

federa! register

TUESDAY, APRIL 20, 1976



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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

This is a continuing numerical listing of public bills which have become law, together with the law number, the title, the date of

approval, and the U.S. Statutes citation. The list is kept current in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

Ten agencies have agreed to a six-month trial period based on the assignment of two days a week beginning February 9 and ending August 6 (See 41 FR 5453). The participating agencies and the days assigned are as follows:

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
	CSC			CSC
	LABOR			LABOR

Documents normally scheduled on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this trial program are invited and will be received through May 7, 1976. Comments should be submitted to the Director of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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Title 3—The President

Memorandum of April 16, 1976

Import Relief Determination Under Section 202(b) of the Trade Act

Memorandum for the Special Representative for Trade Negotiations

THE WHITE HOUSE,
Washington, April 16, 1976.

Pursuant to Section 202(b)(1) of the Trade Act of 1974 (P.L. 93-618, 88 Stat. 1978), I have determined the actions I will take with respect to the report of the United States International Trade Commission (USITC) dated February 20, 1976, concerning the results of its investigation of a petition for import relief filed by the American Footwear Industries Association, the Boot and Shoe Workers Union and the United Shoe Workers of America.

I have determined that expedited adjustment assistance is the most effective remedy for the injury suffered by the U.S. footwear industry and its employees. I have determined that provision of import relief is not in the national economic interest of the United States.

A remedy involving import restraints would have lessened competition in the shoe industry and resulted in higher shoe prices for American consumers at a time when lowering the rate of inflation is essential. Footwear makes up 1½ percent of the Consumer Price Index.

Import restraints would also have exposed U.S. industrial and agricultural trade to compensatory import concessions or retaliation against U.S. exports. This would have been detrimental to American jobs and damaged U.S. exports.

The U.S. footwear industry is benefitting from a substantial increase in production, shipments, and employment as a result of the economic recovery. Additionally, a number of plants have reopened, order backlogs of domestic manufacturers have increased, and profitability has improved.

In considering the effect of import restraints on the international economic interests of the United States, as required by the Trade Act of 1974, I have concluded

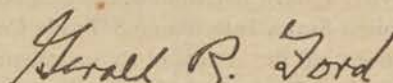
THE PRESIDENT

that such restraints would be contrary to the U.S. policy of promoting the development of an open, nondiscriminatory and fair world economic system. The goal of this policy is to expand domestic employment and living standards through increased economic efficiency.

I have directed the Secretaries of Commerce and Labor to give expeditious consideration to any petitions for adjustment assistance filed by footwear firms producing articles covered by the USITC report, and their workers. I have also instructed the Secretaries to file supplementary budget requests for adjustment assistance funds, if necessary, to carry out my program.

I also direct you, as the Special Representative for Trade Negotiations, to monitor U.S. footwear trade, watching both the levels and quantities of imports as well as of domestic production and employment. If significant changes occur, they should be reported to me with appropriate recommendations.

This determination is to be published in the FEDERAL REGISTER.



[FR Doc.76-11582 Filed 4-19-76;10:09 am]

rules and regulations

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Chief Economist is excepted under Schedule C.

Effective on April 20, 1976, § 213.3314 (a) (18) is added as set out below.

§ 213.3314 Department of Commerce.

(a) Office of the Secretary.

(18) Chief Economist.

(5 U.S.C. 3301, 3302, E.O. 10577, 3 CFR 1954-58 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-11155 Filed 4-19-76;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Confidential Secretary to the Administrator, New Communities Administration, is reestablished under Schedule C.

Effective on April 20, 1976, § 213.3384 (k) (1) is added as set out below:

§ 213.3384 Department of Housing and Urban Development

(k) Office of New Communities Administration.

(1) One Confidential Secretary to the Administrator.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958, Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-11156 Filed 4-19-76;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Office of Management and Budget

Section 213.3303 is amended to show that one position of Secretary to an Associate Director is reestablished under Schedule C.

Effective on April 20, 1976, § 213.3303 (a) (6) is amended as set out below:

§ 213.3303 Executive Office of the President.

(a) Office of Management and Budget. * * *

(6) One Secretary to each of four Associate Directors.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-11344 Filed 4-19-76;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Reg. 35, Amdt. 3]

PART 911—LIMES GROWN IN FLORIDA

Size Requirements

This amendment reduces the minimum size requirement for shipments of Persian type limes grown in Florida to 1 3/4 inches for the period April 16 through April 30, 1976, instead of 1 1/2 inches currently established for the period. This requirement is designed to promote orderly marketing and provide consumers with an increased supply of acceptable quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 40 F.R. 52603), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that, continuance of regulation, including the specification of a smaller minimum size as hereinafter provided, for the remainder of this marketing season will tend to avoid disruption of the orderly marketing of limes and will tend to effectuate the declared policy of the act.

(2) Shipment of Persian type limes 7 7/8 inches in diameter and larger is currently authorized under Lime Regulation 35, Amendment 2 (41 F.R. 7383) during the period April 11 through April 30, 1976.

However, this requirement should be modified to allow the shipment of limes 1 3/4 inches in diameter and larger during the period April 16 through April 30, 1976, as limes are now maturing at smaller sizes than earlier during the season, particularly late bloom fruit, which is not sizing normally. These smaller limes are of good quality, and they meet the minimum juice content requirements. Since the supply of limes is presently at a seasonal low, the release of these smaller-sized limes would make more fruit available for market. Market supplies are also low and demand for fresh limes is presently very strong.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of limes.

Order. The provisions of paragraph (a) (3) of § 911.337 Lime Regulation 35, Amendment 2 (41 F.R. 7383) are amended to read as follows:

§ 911.337 Lime Regulation 35.

Order. (a) * * *

(3) Any limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1 3/4 inches in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 15, 1976, to become effective April 16, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc.76-11375 Filed 4-19-76;8:45 am]

[Lime Reg. 36]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Lime Regulation 36 prescribes during the period May 1 through June 19, 1976, the following grade and size requirements for Florida limes: Mexican type limes shipped to points outside the pro-

duction area shall grade at least U.S. No. 2, with no minimum size requirement; Persian type limes shipped to such points shall grade at least U.S. Combination, Mixed Color, and measure at least 1 1/8 inches in diameter. Both types of limes shipped to destinations within the production area are exempted from grade requirements, except the minimum juice content requirement.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The regulation herein specified is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1976-77 season is estimated at 1.8 million bushels. Fresh shipments for the 1976-77 season are expected to require about 850,000 bushels, which amount would be the second largest shipments by Florida, as compared with record large shipments of about 900,000 bushels during the 1975-76 season. Ample supplies of acceptable sizes and grades of limes are expected to be available to fill fresh market demands. The imposition of the specified grade and size requirements is necessary to prevent the handling of defective and small limes, which do not provide consumer satisfaction, in order to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipment of Florida limes are currently being made and the volume is expected to increase on or about May 1, as the seasonal supply increases; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 7, 1976; such meet-

ing was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation are identical with the aforesaid recommendation of the committee, except for a shorter effective period; the regulation continues the same quality and size requirements as are in effect through April 30, 1976, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth; and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.338 Lime Regulation 36.

Order. (a) During the period May 1, 1976, through June 19, 1976, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) Limes, except as to color: *Provided*, That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and the minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) Limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) Limes shall apply: *Provided further*, That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1 1/8 inches in diameter.

(b) Notwithstanding the provisions of paragraph (a) (3), not more than 10 percent, by count, of the limes in any lot of containers, other than master con-

tainers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000-51.1016).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 15, 1976, to become effective May 1, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[FR Doc. 76-11377 Filed 4-19-76; 8:45 am]

[Lime Reg. 5, Amdt. 5]

PART 944—FRUITS; IMPORT REGULATIONS

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), paragraph (a) (3) of § 944.204 (Lime Regulation 5; 36 F.R. 10774; 22008; 38 F.R. 12603; 40 F.R. 2793; 41 F.R. 7384) is amended to read as follows:

§ 944.204 Lime Regulation 5.

(a) * * *

(3) Such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1 1/8 inches in diameter: *Provided*, That during the period April 16 through April 30, 1976, such limes of the group known as large fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) are of a size not smaller than 1 3/4 inches in diameter; and

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions being made applicable to domestic shipments of limes under Lime Regulation 35, Amendment 3 (§ 911.337), which becomes effective April 16, 1976; (c) compliance with this amended import regulation will

not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of limes.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: April 15, 1976, to become effective April 16, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 76-11376 Filed 4-19-76; 8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

PART 115—SURETY BOND GUARANTEE

Policy and Guarantee Fees

On January 9, and January 21, 1976, there were published in the FEDERAL REGISTER (41 FR 1608 and 41 FR 3105) notices of proposals to amend the Small Business Surety Bond Guarantee Regulations, to bring our regulations in conformity with statutory language, to reflect revised application procedures, to permit surety companies to charge higher premium rates if authorized by State Insurance Departments, to revise procedures for issuance of oral approvals, to institute a \$10.00 application fee from small business concerns, to increase our surety guarantee fee from 10 percent to 20 percent of the Surety's premium charge, and to institute a deductible clause on bond claims.

Interested parties were given 30 days to submit arguments, opinions, comments, etc., on said proposals. Several participating sureties took the position that the higher surety guarantee fee might make their future participation unprofitable, in view of the losses suffered and the attendant, higher administrative costs in dealing with client small business concerns. There also were several comments concerning the deductible clause, requesting that it be treated so as to encourage surety salvage efforts. Several comments pertained to the elimination of SBA oral approval authority, as well as to the proposed procedures for processing larger bond guarantee submissions.

SBA has carefully considered all comments submitted on the aforementioned proposals. Thus, SBA has decided to amend Section 115.2 *Policy*, to permit the surety to recover the amount deducted under the deductible clause from salvage recovery. Section 115.4 *Eligibility*, is revised to reflect the correct Code of Federal Regulations reference for the appropriate Surety Bond Guarantee size standards. Section 115.5 *Procedure for surety bond guarantee assistance*, is amended to reflect inclusion of SBA form 994 in the list of required SBA forms, as well as deleting any special procedures for surety bond guarantee applicants from the Washington, D.C. metropolitan area. Section 115.6(e) *Guarantee Agreement*, is implemented as proposed.

Section 115.7 *Guarantee fees*, subsection (c) is revised as proposed. Subsection (d) creates a ten dollar (\$10.00) non-refundable application fee, as proposed. Subsection (e) is amended by substituting the word "authorized" for the proposed word "approved" with respect to the State Insurance Commission. Subsections (f) and (g) are adopted as proposed. Section 115.8 *Approval or decline of applications*, is revised to include new subsections (b), (c) and (d). Subsections (b) and (c) are adopted as proposed, with editorial changes. Subsection (d) is revised to permit SBA's extension of oral approvals for guarantee requests from surety companies under limited conditions.

The primary purposes of the amendments are to reduce losses to the Surety Bond Guarantee Program, encourage "graduation" from the program and, most importantly, to insure program continuity within budgeted authority and to maintain the program's economic justification.

Accordingly, Part 115 of Title 13 of the Code of Federal Regulations is hereby amended (effective April 21, 1976) by revising §§ 115.2, 115.4, 115.5, 115.6, 115.7, and 115.8.

1. Section 115.2 is amended to read as follows:

§ 115.2 Policy.

It is the intent of Congress to strengthen the competitive free enterprise system by assisting qualified small business concerns to obtain certain bid, payment or performance bonds that are otherwise not obtainable, by authorizing SBA to guarantee surety companies up to 90 percent of their losses incurred by reason of the breach of the terms of such bonds executed on behalf of such concerns, on contracts not exceeding a contract amount of \$1,000,000. Payments to the surety by SBA of such losses shall be subject to a deductible amount of \$500, or the amount of the gross bond premium (less SBA's guarantee fee from the surety) charged such small concern by the surety, whichever is less. Surety may credit itself with the deductible amount from salvage proceeds before having to start sharing their salvage proceeds on a pro rata basis with SBA, in the same percentage as SBA shares the loss with the surety.

2. Section 115.4(a) is amended to read as follows:

§ 115.4 Eligibility.

(a) Qualify as a small business under 121.3-15 of this chapter.

3. Section 115.5 is revised to read as follows:

§ 115.5 Procedure for surety bond guarantee assistance.

An application for surety bond guarantee assistance shall be made on the appropriate SBA Forms (912, 990, 994 and 994B) and shall include any additional information required in supporting schedules and forms. The applica-

tion shall be submitted to a representative of a surety company (as defined in 115.3(e)) in triplicate, with all other supporting material. The representative will forward one copy each to the SBA District Office and Regional Office serving the area in which the applicant is located and one copy to the company.

4. Section 115.6(e) is amended to read as follows:

§ 115.6 Guarantee agreement.

(e) Surety shall pay SBA 20 percent of its bond(s) premium for and in consideration of SBA's agreement to guarantee the bid, payment, or performance bond contemplated by this agreement. It is further agreed by SBA and surety that surety will pay SBA an additional like percentage of the additional premiums on any increase in contract price and SBA will make a like percentage refund on any premium reduction resulting from a reduction in the contract price. Where SBA's or surety's share of any premium increase or decrease is 10 dollars (\$10.00) or less, there shall be no adjustment.

5. Section 115.7 is amended by revising paragraph (c) and adding new paragraphs (d), (e), (f) and (g) to read as follows:

§ 115.7 Guarantee fees.

(c) The surety shall pay to SBA a guarantee fee of 20 percent of the bond premium.

(d) Each application submitted to SBA shall be accompanied by application fee of \$10 from the small business concern on whose behalf a guarantee is sought. Such fee shall not be refundable in the event the application is rejected.

(e) SBA accepts the bond premium rates listed in the contract section of the Surety Association of America's "Rating Manual". The Agency will accept bond guarantee requests from surety companies charging more than "Rating Manual" rates, *Provided*, That (1) their premium rate schedule is not more than 1½ percent of the first \$250,000 of the contract's face value, plus not more than 1 percent on any contract amount above the first \$250,000; and (2) that these premium rates have been authorized by the appropriate State Insurance Commission.

(f) SBA will accept surety bond guarantee requests on which a minimum bond premium, regardless of the actual contract amount, not to exceed \$50 has been charged; *Provided*, That the minimum premium amount has been authorized by the appropriate State Insurance Commission.

(g) SBA will not participate in any bond guarantee in which either the surety company or the surety's representatives (including agent/brokers) charge any other fee above and beyond the stated premium for services, processing, etc. except those permitted by the appropriate State Insurance Commission. SBA shall not receive any portion of such non-premium charges.

6. Section 115.8 is amended by adding paragraphs (b) and (c):

§ 115.8 Approval or decline of applications.

(b) Guarantee requests for bid, payment, or performance bonds will be limited to contracts not exceeding \$250,000 in face value, except for special cases that meet one or more of the following criteria:

(1) The applicant small business concern has, prior to the time his application is made, already received an SBA Surety Bond Guarantee;

(2) Such applicant has, at the time of his application, an SBA-approved Section 8(a) business plan on record;

(3) Such applicant is, at the time of his application, in receipt of SBA's financial assistance which remains outstanding; or

(4) The applicant's application pertains to a publicly-financed project, e.g., Federal, State, local, or special district public bodies.

(c) Except as stated below in Paragraph (1) of this subsection, Regional Directors, Assistant Regional Directors for Finance and Investment, or District Directors and/or Assistant District Directors for Finance and Investment, as appropriate, according to their delegated authority as published from time to time in the FEDERAL REGISTER, will take final action on all special applications on contracts up to \$500,000 in face value. Special applications for contracts exceeding \$500,000 up to \$1,000,000 in face value must be forwarded to the SBA Central Office, with the recommendation of approval or decline by the Regional and/or District Director, as appropriate, for final action.

(1) Multiple requests for the guarantees of bonds involving one small business concern on one project require the approval of the Regional Director, and/or District Director, as appropriate, when the aggregate amount of these contracts exceeds \$250,000 up to \$500,000.

(2) Multiple requests for the guarantee of contract bonds involving one small business concern on one project require the approval of the SBA Central Office, when the aggregate amount of these contracts exceeds \$500,000 up to \$1,000,000 in face value. Central Office can take final action only upon receipt of the recommendation from the Regional or District Director, as appropriate.

(d) No application for a guarantee from an authorized surety company representative may be approved orally by any Small Business Administration officer or employee, except as provided below:

(1) Oral approval authority within SBA shall be limited to either the Regional Director, Assistant Regional Director for Finance and Investment or the Regional Surety Bond Guarantee Coordinator, except in those regions where

the Surety Bond Guarantee program is decentralized to the SBA District Offices in which case the oral approval authority is limited to either the District Director or the Assistant District Director for Finance and Investment, as appropriate.

(2) Oral approval authority within the SBA may be exercised only if the subject small business concern has been a client of the Surety Bond Guarantee program for at least one calendar year preceding the request for an oral bond guarantee request.

(3) Oral approval authority within the SBA may be exercised only upon bond guarantee requests involving contracts not exceeding \$250,000 in face value.

(4) An oral approval by the SBA of a bond guarantee request shall be null and void unless the surety submits to SBA the appropriate documentation, in writing and properly executed by the surety, within 15 calendar days from the date of the SBA's oral approval thereof.

(5) The Agency's guarantee will be confirmed in writing, and the guarantee approval will be signified by the SBA's authorized countersignature upon the applicable Guarantee agreement (SBA Form 990). Oral approvals (valid only for 15 calendar days from date granted) will not be confirmed by SBA in writing except when appropriate documents are submitted by surety companies within the 15 day period.

(Catalog of Federal Domestic Assistance Programs No. 59.016 Surety Bond Guarantee.)

Dated: April 15, 1976.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.76-11403 Filed 4-16-76;8:45 am]

Title 14—Aeronautics and Space
CHAPTER V—NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION
PART 1204—ADMINISTRATIVE
AUTHORITY AND POLICY

Coordination of NASA Facilities Planning and Projects, Final Regulations

On page 8339 of the FEDERAL REGISTER for February 26, 1976, Vol. 41, No. 39, the National Aeronautics and Space Administration published interim regulations to implement the coordination provisions required by the revisions of OMB Circular A-95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects, effective February 27, 1976. Interested persons were given until March 29, 1976, in which to submit comments. No such comments were received.

Accordingly, the interim regulations are hereby adopted as final regulations, effective April 29, 1976.

WM. E. LILLY,
National Aeronautics and Space
Administration Comptroller.

[FR Doc.76-11333 Filed 4-19-76;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Recodification Docket No. 12]

[Docket No. 76N-0082]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

Reorganization and Republication

Correction

In FR Doc. 76-7091 appearing at page 10984 of the issue for Monday, March 15, 1976, on page 10991, in the second column under "Combination in grams per ton" the third line should read "sone 22.8 to 34.1".

SUBCHAPTER A—GENERAL

[Docket No. 76N-0087]

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Reserve Sample Requirement

The Food and Drug Administration (FDA) is amending the regulations governing exceptions to the requirement of section 702(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 372 (b)) that, upon request, the Secretary shall provide a part of any sample of a food, drug, or cosmetic collected by FDA for examination or analysis by the owner or any person named on the label of the article. The amendments shall be effective May 20, 1976.

The Commissioner of Food and Drugs issued a notice in the FEDERAL REGISTER of February 20, 1975 (40 FR 7455) proposing to amend 21 CFR 1.700 concerning exceptions to the reserve sample requirements set forth in section 702(b) of the act. The Commissioner received only two comments on the proposal. The comments received and the Commissioner's conclusions respecting them are summarized below.

1. One of the comments contended that any cost limitation on the obligation of FDA to take reserve samples is unreasonable.

The Commissioner points out that there has been a limitation of \$10 since the promulgation of the original § 1.700 more than 20 years ago. The principle that FDA may establish some cost ceiling is thus well established. Inflation since 1955 has rendered the \$10 limitation obsolete. Indeed, the \$10 limitation has sometimes been ignored by FDA investigators who believe it to be unfairly low. The proposed increase to \$50 would establish a more reasonable, albeit more costly, limit. Thus, the formal requirement is to be brought into line with current price levels, and the compensation afforded by § 1.700(b) to those whose products are being investigated is to be increased. The Commissioner rejects

the contention that there should be no cost limitation because the agency must be protected against excessive costs that it could not reasonably anticipate.

2. The same comment objected to § 1.700(b)(3) of the proposed regulation, which exempts FDA from the duty to take reserve samples if practical means of preservation are not available.

The Commissioner concludes that this objection is likewise without merit. The present regulation already contains an exemption in cases of "perishability." As stated in the preamble to the proposal, the current regulation does not reflect modern technology. A perishable substance may be preservable by use of modern preservation techniques, while other nonperishable items may not be preservable in the state in which they are found. If a sample cannot be kept in a state in which it could be analyzed using methods similar to those employed by FDA, the purpose of the reserve sample requirement cannot be fulfilled. The proposed change merely shifts the emphasis from perishability to preservability, but would continue to permit exemption where time renders meaningful analysis impossible.

The comment suggested that, as an alternative to an exemption based on perishability or preservability, FDA should be required, immediately upon collection, to notify the company that the reserve sample has been taken and is available. This practice would allow the company to perform a speedy analysis of its own before meaningful analysis became impossible. Such a provision is unnecessary and would not achieve the comment's objective because the length of time during which a substance can be preserved may still be too short or may not be known until it is too late to perform a meaningful analysis.

3. The comment went on to object to the exception proposed in § 1.700(b)(5) for samples collected from a person named on the label, or his agent, who is also the owner of the article.

The language in proposed § 1.700(b)(5) is identical to the language in present § 1.700(b)(5), which recognizes that when a sample is taken from a person whose name is on the label of the article, and who is the owner, he has no need for a reserve sample because he already possesses ample quantities of the article for analysis. The Commissioner believes that the rationale for this exemption remains as correct today as it was when the original regulation was promulgated.

4. The second comment observed that the proposal might permit FDA, in collecting a reserve sample of a drug, to so deplete a company's reserves that additional testing by the manufacturer or testing by FDA for other purposes would not be possible.

The Commissioner believes that the writer of the comment has misconstrued present FDA policy concerning the taking of samples. The term "reserve sample" in agency parlance can have two meanings: First, it can mean a sample taken pursuant to section 702(b) of the act. Alternatively, a "reserve sample"

can mean a sample of drug components or finished product kept by a drug manufacturer pursuant to good manufacturing practice regulations in §§ 211.42(h) and 211.58(g) (21 CFR 211.42(h) and 211.58(g)). It is not the practice of FDA to take a section 702(b) sample from stocks that a company is holding as "reserve" for purposes of satisfying good manufacturing practice regulations and for purposes of making its own tests. Therefore, the Commissioner finds this comment to be without merit.

5. Section 1.700(b)(3) as it appeared in the proposal has been modified by eliminating language that might have been interpreted to limit an FDA investigator's obligation to collect a reserve sample to those situations in which he had preservation equipment immediately in hand at "the time and place of collection." The amended language makes clear the obligation of FDA to collect a reserve sample whenever preservation is practicable.

6. Finally, the Commissioner has reconsidered the proposed change in the section title and determined that the present title should be retained.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 702(b), 52 Stat. 1057 (21 U.S.C. 372(b))), and under authority delegated to the Commissioner (21 CFR 2.120), § 1.700(b) is revised to read as follows:

§ 1.700 Examinations and investigations; samples.

(b) When an officer or employee of the Department collects an official sample of a food, drug, or cosmetic for analysis under the act, he shall collect at least twice the quantity estimated by him to be sufficient for analysis, unless:

(1) The amount of the article available and reasonably accessible for sampling is less than twice the quantity so estimated, in which case he shall collect as much as is available and reasonably accessible.

(2) The cost of twice the quantity so estimated exceeds \$50.

(3) The sample cannot by diligent use of practicable preservation techniques available to the Food and Drug Administration be kept in a state in which it could be readily and meaningfully analyzed in the same manner and for the same purposes as the Food and Drug Administration's analysis.

(4) The sample is collected from a shipment or other lot which is being imported or offered for import into the United States.

(5) The sample is collected from a person named on the label of the article or his agent, and such person is also the owner of the article.

(6) The sample is collected from the owner of the article, or his agent, and such article bears no label or, if it bears a label, no person is named thereon.

In addition to the quantity of sample set forth in this paragraph, the officer or employee shall, if practicable, collect such further amount as he estimates will be sufficient for use as trial exhibits.

Effective date. This regulation shall become effective May 20, 1976.

(Sec. 702(b), 52 Stat. 1057 (21 U.S.C. 372(b)).)

Dated: April 13, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-11288 Filed 4-19-76; 8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75P-0210]

PART 29—FRUIT BUTTERS, FRUIT JELLIES, FRUIT PRESERVES, AND RELATED PRODUCTS

Fruit Butter Standard: Confirmation of Effective Date

The Food and Drug Administration is confirming an effective date for the revised standard of identity for fruit butter. All products initially introduced into interstate commerce on or after January 1, 1978, must comply with the regulation.

The Commissioner of Food and Drugs issued a final regulation in the FEDERAL REGISTER of August 29, 1975 (40 FR 39855) amending 21 CFR Part 29 by revising the standard of identity for fruit butter in § 29.1 (21 CFR 29.1). The final regulation specified that all products shipped in interstate commerce after December 31, 1975 must comply with the revised regulation. A period of 30 days, until September 29, 1975, was allowed for filing objections and requests for hearing. No timely objections nor requests for hearing were received.

One objection, dated September 30, 1975, was filed by McCormick & Company, Inc. The objection was filed after the time permitted by section 701(e) of the Federal Food, Drug, and Cosmetic Act and is therefore not a valid objection. The company, a flavor supplier, objected to the exclusion of the use of artificial flavors. Although there was no challenge to facts relied upon by the Commissioner, the objection asserted that this restriction appeared to be simply a carryover from an earlier regulation, and, in the opinion of the supplier, unnecessarily stigmatized artificial flavors. The supplier requested that artificial flavors not be excluded from the standard and that provision be made for appropriate labeling when such ingredients are used. No showing was made that if artificial flavors were used, it would promote honesty and fair dealing in the interest of consumers.

Although the objection was untimely, the Commissioner has considered whether the action sought should be taken. The Commissioner concludes that the requested provision for the use of artificial flavors with appropriate label declaration represents such a substantial change in the proposed standard that it must be supported by more information than is currently available to the agency. Therefore, no action will be taken on the request. However, this decision is not prejudicial to any petition submitted by an individual, company, or association

showing that, if adopted, the provisions would promote honesty and fair dealing in the interest of consumers.

In the FEDERAL REGISTER of January 8, 1976 (41 FR 1469), the Commissioner extended the date for compliance with the revised standards for canned fruits because of problems involving obtaining new labels and using up existing label stocks. He expects that the same problems will exist in the case of fruit butters and is consequently extending the date for compliance on these products to the same date as that set for canned fruits.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that the objection filed to the final regulation revising the fruit butter standard of identity (21 CFR 29.1) is not accented as valid. Accordingly, the amendments promulgated by the final regulation shall become effective as follows: Compliance with the final regulation, which shall include any labeling changes required, may have begun on September 30, 1975. All products initially introduced into interstate commerce on or after January 1, 1978 shall comply with this regulation. (Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948 (21 U.S.C. 341, 371).)

Dated: April 13, 1976.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 76-11289 Filed 4-19-76; 8:45 am]

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Excluded Non-Narcotic Substances

The Drug Enforcement Administration has received applications, submitted pursuant to § 1308.21 of Title 21, Code of Federal Regulations (CFR), requesting that certain marketed products which contain nonnarcotic controlled substances, and which may under the Federal Food, Drug, and Cosmetic Act be lawfully sold over-the-counter without a prescription, be excluded from any schedule of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966) under the authority of section 201(g)(1) of the Act (21 U.S.C. 811(g)(1)).

In addition, the Drug Enforcement Administration independently has conducted a review of other similar products currently marketed for which no applications have been submitted, to determine if they qualify for listing in 21 CFR § 1308.22 as excluded non-narcotic substances.

Upon examination of all applications submitted, and after evaluating the products relative thereto and similar products qualifying for exclusion but not applied for, the Administrator of the Drug En-

forcement Administration hereby finds: (1) that the above-referred products contain non-narcotic controlled substances, and (2) that the Food and Drug Administration has confirmed that such products may, under the Federal Food, Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

Therefore, under the authority vested in the Attorney General by section 201 (g)(1) of the Act (21 U.S.C. 811(g)(1)) and delegated to the Administrator of

Excluded nonnarcotic over-the-counter substances

Trade name or designation	Dosage form	Composition	Potency	Manufacturer or distributor
Amrodine	Tablet	Phenobarbital	8.00 mg	Searle, G. D. & Co.
		Aminophylline	100.00 mg	
		Raclophedrine	25.00 mg	
Amrodine E.C.	Enteric coated tablet	Phenobarbital	8.00 mg	Do.
		Aminophylline	100.00 mg	
		Raclophedrine	25.00 mg	
Anodyne	Ointment	Chloral hydrate	0.60 g/20 g	Zemmer Co.
Anti-Asthma	Tablet	Phenobarbital	8.00 mg	Ormont Drug & Chem.
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	25.00 mg	
Antiasthmatic	do	Phenobarbital	8.10 mg	Zenith Labs., Inc.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Asma-Ese	do	Phenobarbital	8.10 mg	Parmed Pharm.
		Theophylline	129.00 mg	
Asma-Lief	do	Ephedrine hydrochloride	24.50 mg	
		Phenobarbital	8.16 mg	Columbia Medical Co.
		Ephedrine hydrochloride	24.50 mg	
		Theophylline	129.00 mg	
Asma-Lief Pediatric	Suspension	Phenobarbital	4.00 mg/5 ml	Do.
		Ephedrine hydrochloride	12.00 mg/5 ml	
		Theophylline	65.00 mg/5 ml	
Asma Tuss	Syrup	Phenobarbital	4.00 mg/5 ml	Halkey Drug Co.
		Glycerol guaiacolate	50.00 mg/5 ml	
		Chlorpheniramine maleate	1.00 mg/5 ml	
		Ephedrine sulfate	12.00 mg/5 ml	
		Theophylline	15.00 mg/5 ml	
Azma-Aid	Tablet	Phenobarbital	8.00 mg	Rondex Labs.
		Theophylline	129.00 mg	
		Ephedrine hydrochloride	24.50 mg	
Azmadrine	do	Phenobarbital	8.00 mg	U.S. Ethicals.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Bet-U-Lol	Liquid	Chloral hydrate	0.54 g/20 ml	Huxley Pharm.
		Methyl salicylate	20.10 g/20 ml	
		Menthol	0.60 g/20 ml	
Bronkolixir	Elixir	Phenobarbital	4.00 mg/5 ml	Breon Labs.
		Theophylline	15.00 mg/5 ml	
		Ephedrine sulfate	12.00 mg/5 ml	
		Glycerol guaiacolate	50.00 mg/5 ml	
Bronkotabs	Tablet	Phenobarbital	8.00 mg	Do.
		Theophylline	100.00 mg	
		Glycerol guaiacolate	100.00 mg	
Bronkotabs-Hals	do	Ephedrine sulfate	24.00 mg	Do.
		Phenobarbital	4.00 mg	
		Glycerol guaiacolate	50.00 mg	
		Theophylline	50.00 mg	
		Ephedrine sulfate	12.00 mg	
Ceepa	do	Phenobarbital	8.00 mg	Geneva Drugs.
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	24.00 mg	
Chlorasal	Ointment	Chloral hydrate	648.00 mg/20 g	Wisconsin Pharmacal.
		Menthol	972.00 mg/30 g	
		Methyl salicylate	4.277 g/30 g	
Choate's Leg Freeze	Liquid	Chloral hydrate	7.40 g/20 ml	Bickmore, Inc.
		Ether	10.3 ml/30 ml	
		Menthol	6.3 g/30 ml	
		Camphor	8.7 g/30 ml	
Chlorosalicylate	Ointment	Chloral hydrate	648.00 mg/30 g	Kremers-Urban Co.
		Methyl salicylate	6.66 g/30 g	
		Menthol	1.13 g/30 g	
Menthalgescic	do	Chloral hydrate	0.45 g/30 g	Blue Line Chem. Co.
		Menthol	0.45 g/30 g	
		Methyl salicylate	3.00 g/30 g	
		Camphor	0.15 g/30 g	
Neosma	Tablet	Phenobarbital	10.00 mg	Tarmac Products.
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	24.00 mg	
P.E.C.T.	do	Phenobarbital	8.10 mg	Halsom Drug Co.
		Chlorpheniramine maleate	2.00 mg	
		Ephedrine sulfate	24.00 mg	
		Theophylline	129.00 mg	
Primatene	do	Phenobarbital	8.00 mg	Whitehall Labs.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Rynal	Spray	dl-phenylephrine hydrochloride	0.11 g/50 ml	Blaine Co.
		Antipyrine	0.14 g/50 ml	
		Pyriminamine maleate	0.005 g/50 ml	
		Hyamine 2389	0.01 g/50 ml	
S-K Asthma	Tablet	Phenobarbital	8.00 mg	S-K Research Labs.
		Ephedrine hydrochloride	24.30 mg	
		Theophylline	129.00 mg	
Tedral	do	Phenobarbital	8.00 mg	Warner-Chilcott.
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	24.00 mg	
Tedral Anti H	do	Phenobarbital	8.00 mg	Do.
		Chlorpheniramine maleate	2.00 mg	
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	24.00 mg	

Excluded nonnarcotic over-the-counter substances—continued

Trade name or designation	Dosage form	Composition	Potency	Manufacturer or distributor
Tedral Antisthmatic.	do	Phenobarbital	8.00 mg	Parke-Davis & Co.
		Theophylline	130.00 mg	
		Ephedrine hydrochloride	24.00 mg	
Tedral Elixir	Elixir	Phenobarbital	2.00 mg/05 ml	Warner-Chilcott.
		Ephedrine hydrochloride	6.00 mg/05 ml	
		Theophylline	32.50 mg/05 ml	
Tedral Pediatric	Suspension	Phenobarbital	4.00 mg/05 ml	Do.
		Ephedrine hydrochloride	12.00 mg/05 ml	
		Theophylline	65.00 mg/05 ml	
Teephen	Tablet	Phenobarbital	8.00 mg	Robinson Labs.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Teephen Pediatric	Suspension	Phenobarbital	4.00 mg/05 ml	Do.
		Ephedrine hydrochloride	12.00 mg/05 ml	
		Theophylline anhydrous	65.00 mg/05 ml	
T.E.P. Compound	Tablet	Phenobarbital	8.10 mg	Stanlabs, Inc.
		Theophylline	120.00 mg	
		Ephedrine hydrochloride	24.30 mg	
Thedrizem	do	Phenobarbital	8.00 mg	Zemmer Co.
		Ephedrine hydrochloride	25.00 mg	
		Theophylline	100.00 mg	
Theobal	do	Phenobarbital	8.00 mg	Halsey Drug Co.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Val-Tep	do	Phenobarbital	8.00 mg	Vale Chemical Co.
		Ephedrine hydrochloride	24.00 mg	
		Theophylline	130.00 mg	
Verequad	Suspension	Phenobarbital	4.00 mg/05 ml	Knoll Pharm.
		Ephedrine hydrochloride	12.00 mg/05 ml	
		Theophylline calcium salicylate	65.00 mg/05 ml	
Do	Tablet	Glyceril guaiacolate	50.00 mg/05 ml	Do.
		Phenobarbital	8.00 mg	
		Ephedrine hydrochloride	24.00 mg	
Vicks Inhaler	Inhaler	Glyceril guaiacolate	100.00 mg	Vick Chemical Co.
		Theophylline calcium salicylate	130.00 mg	
		L-Desoxyephedrine	113.00 mg	

Effective date. This order is effective April 20, 1976. Any person interested may file written comments on or objections to the order on or before June 25, 1976. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: April 13, 1976.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.

[FR Doc.76-11250 Filed 4-19-76;8:45 am]

Title 31—Money and Finance: Treasury
CHAPTER V—OFFICE OF FOREIGN ASSETS CONTROL, DEPARTMENT OF THE TREASURY

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Miscellaneous Technical Amendments

The Foreign Assets Control Regulations (31 CFR Part 500) are being amended by various technical amendments.

Sections 500.410; 500.411; 500.412; 500.538; 500.546; 500.547; 500.549; 500.550; and, 500.554; 500.557; 500.558; 500.559; 500.560 and 500.562 are being amended by the addition of Cambodia and South Viet-Nam to the countries specified in those sections. The changes are made necessary by the inclusion in the Schedule of Section 500.201(d) of those countries.

Sections 500.204; 510.328; 500.538; 500.547; and, 500.555 are being amended

by changing the references from "China (except Formosa)," "Mainland China," "China (Communist controlled)," and related terminology to "People's Republic of China" and related terminology. Similar changes are being made in reference to the Republic of Korea and the Republic of China.

Section 500.328 is also being amended by the deletion of Viet-Nam. The deletion of Viet-Nam is necessary in view of the inclusion of South Viet-Nam in the Schedule of Section 500.201(d).

Section 500.322 is being amended by the addition of countries that were either not in existence when this section was originally published or were inadvertently not included. In addition, the amendments reflect changes in the names of various countries.

Sections 500.531 and 500.532 are being deleted according to the terms of expiration originally provided when those sections were published.

Section 500.539 is being revoked as unnecessary in view of the previous issuance of Section 500.547.

Section 500.541(d) is being amended by changing "Reserved" to (Revoked).

Sections 500.101, 500.203, 500.505, 500.533, 500.538, 500.541, and 500.809 are being amended by changes in the citations appearing in those sections to reflect current citations.

Section 500.306(b) is being revoked as unnecessary in view of the inclusion of South Viet-Nam in the Schedule of Section 500.201(d).

As the material contained herein involves only technical amendments to published rules and as those published rules involve a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable.

31 CFR Part 500 is amended as follows:

1. Section 500.101 is amended to read as follows:

§ 500.101 Relation of this chapter to other laws and regulations, including 3 CFR Ch. II.

(a) This chapter is independent of 8 CFR Ch. II. The prohibitions contained in this chapter are in addition to the prohibitions contained in 8 CFR Ch. II (formerly 3 CFR Ch. II). No license or authorization contained in or issued pursuant to 8 CFR Ch. II shall be deemed to authorize any transaction prohibited by this chapter, nor shall any license or authorization issued pursuant to any other provision of law (except this chapter) be deemed to authorize any transaction so prohibited.

(b) No license or authorization contained in or issued pursuant to this chapter shall be deemed to authorize any transaction to the extent that it is prohibited by reason of the provisions of any law or statute other than Section 5(b) of the Trading with the Enemy Act, as amended, or any proclamation, order or regulation other than those contained in or issued pursuant to this chapter or pursuant to section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 444, 22 U.S.C. 2370).

2. Section 500.203 is amended by revising paragraph (f) to read as follows:

§ 500.203 Effect of transfers violating the provisions of this chapter.

(f) For the purpose of this section the term "property" includes gold, silver, bullion, currency, coin, credit, securities (as that term is defined in section 2(1) of the Securities Act of 1933, as amended (48 Stat. 74; 15 U.S.C. 77(b))), bills of exchange, notes, drafts, acceptances, checks, letters of credit, book credits, debts, claims, contracts, negotiable documents of title, mortgages, liens, annuities, insurance policies, options and futures in commodities, and evidences of any of the foregoing. The term "property" shall not, except to the extent indicated, be deemed to include chattels or real property.

3. Section 500.204 is amended by revising paragraph (a)(1) to read as follows:

§ 500.204 Importation of and dealings in certain merchandise.

(a) * * * (1) Merchandise the country of origin of which is the People's Republic of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam. Articles which are the growth, produce or manufacture of these areas shall be deemed for the purposes of this chapter to be merchandise whose country of origin is the People's Republic of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, notwithstanding that they may have been subjected to one or any combination of the following processes in another country: (i) grading;

(ii) testing; (iii) checking; (iv) shredding; (v) slicing; (vi) peeling or splitting; (vii) scraping; (viii) cleaning; (ix) washing; (x) soaking; (xi) drying; (xii) cooling, chilling or refrigerating; (xiii) roasting; (xiv) steaming; (xv) cooking; (xvi) curing; (xvii) combining of fur skins into plates; (xviii) blending; (xix) flavoring; (xx) preserving; (xxi) pickling; (xxii) smoking; (xxiii) dressing; (xxiv) salting; (xxv) dyeing; (xxvi) bleaching; (xxvii) tanning; (xxviii) packing; (xxix) canning; (xxx) labeling; (xxxi) carding; (xxxii) combing; (xxxiii) pressing; (xxxiv) any process similar to any of the foregoing. Any article wheresoever manufactured shall be deemed for the purposes of this chapter to be merchandise whose country of origin is the People's Republic of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, if there shall have been added to such articles any embroidery, needle point, petit point, lace or any other article of adornment which is the product of the People's Republic of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, notwithstanding that such addition to the merchandise may have occurred in a country other than the People's Republic of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

§ 500.306 [Amended]

4. Section 500.306 is amended by revoking paragraph (b).

5. Section 500.322 is amended by revising paragraphs (a) (4) and (5) to read as follows:

§ 500.322 Authorized trade territory; member of the authorized trade territory.

(a) * * *

(4) Andorra, Austria, Belgium, Cyprus, Denmark, Ireland, the Federal Republic of Germany and the Western Sector of Berlin, France (including Monaco), Greece, Iceland, Italy, Liechtenstein, Luxembourg, Malta, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, the United Kingdom, Vatican City, and Yugoslavia.

(5) Afghanistan, Bangladesh, Bhutan, Burma, Hong Kong, India, Iran, Iraq, Israel, Japan, Jordan, Kuwait, Laos, Lebanon, Macao, Malaysia, Nepal, Oman, Pakistan, Qatar, Saudi Arabia, Singapore, South Korea, Sri Lanka (Ceylon), Syrian Arab Republic, Taiwan, Thailand, United Arab Emirates, and Yemen.

6. Section 500.328 is revised to read as follows:

§ 500.328 Status of those portions of China and Korea under control of the governments of the Republic of China and the Republic of Korea; and of the diplomatic and consular representatives of those countries.

(a) Those portions of China and of Korea which are under the control of the governments of the Republic of China and the Republic of Korea are not included within the term designated foreign country.

(b) The diplomatic and consular representatives of the Republic of China and

the Republic of Korea are not deemed to be acting or purporting to act directly or indirectly for the benefit or on the behalf of any designated foreign country.

7. Section 500.410 is revised to read as follows:

§ 500.410 Currency, coins, and postage and other stamps.

Currency, coins, and postage and other stamps issued by North Korea, North Viet-Nam, Cambodia, or South Viet-Nam are merchandise of North Korean, North Vietnamese, Cambodian, or South Vietnamese origin subject to Section 500.204 (a) (1).

8. Section 500.411 is revised to read as follows:

§ 500.411 Dealings abroad in commodities subject to the Regulations.

Section 500.204 prohibits the unlicensed importation into the United States of commodities of North Korean, North Vietnamese, Cambodian, or South Vietnamese origin. It also prohibits, unless licensed, persons subject to the jurisdiction of the United States from purchasing, transporting or otherwise dealing with such commodities which are outside the United States.

9. Section 500.412 is revised to read as follows:

§ 500.412 Process vs. manufacture.

A commodity subject to § 500.204 remains subject howsoever it has been processed. It should not be assumed that a commodity which has undergone operations other than those listed in § 500.204 (a) (1), has become a manufactured form of the commodity rather than a processed form thereof. In case of question, a ruling should be requested from the Office of Foreign Assets Control. Requests for rulings in the form of license applications or otherwise should include adequate technical detail. It should be noted that it is quite possible for merchandise to have North Korea, North Viet-Nam, Cambodia, or South Viet-Nam as its "country of origin" for Foreign Assets Control purposes while having some other country as its "country of origin" for marking or statistical purposes.

10. Section 500.505 is amended by revising paragraph (b) to read as follows:

§ 500.505 Certain persons in the United States unblocked.

(a) * * *

(b) Any individual in the United States who has been paroled into the United States pursuant to section 212(d) (5) of the Immigration and Nationality Act of 1952 (66 Stat. 181; 8 U.S.C. 1181-1185) by the Attorney General provided that this subsection shall not apply:

(1) To any individual who after such parole has acted or purported to act directly or indirectly for the benefit of or on behalf of any designated foreign country; or

(2) To any individual whose parole has been revoked, after the date of such revocation.

§§ 500.531 and 500.532 [Removed]

11. Sections 500.531 and 500.532 are hereby deleted.

12. Section 500.533 is amended by amending paragraph (a) (1), to read as follows:

§ 500.533 Transactions incident to exportations to designated countries.

(a) * * *

(1) The exportation is licensed or otherwise authorized by the Department of Commerce under the provisions of the Export Administration Act of 1969 (sec. 4, 88 Stat. 842, 50 U.S.C. App. 2403);

13. Section 500.538 is amended by revising paragraphs (c) and (d) to read as follows:

§ 500.538 Transportation and insurance of merchandise.

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea, North Viet-Nam, Cambodia, or South Viet-Nam. Nor does this section authorize the transportation or insurance of any merchandise the country of origin of which is North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

(d) This section does not authorize the transportation directly or indirectly to the People's Republic of China or insurance of: (1) Any merchandise of United States origin, except as authorized by § 500.533; (2) Any merchandise, regardless of origin, of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by regulations issued under Section 414 of the Mutual Security Act of 1954, as amended, (68 Stat. 848, 22 U.S.C. 1934) relating to arms, ammunition, and implements of war or under sections 53(a), 62, 82(c), 103 and 104 of the Atomic Energy Act of 1954 (68 Stat. 1921, 42 U.S.C. 2011-2296 (1964), as amended (Supp. III, 1965-1967)), relating to atomic energy facilities or materials for use for non-military purposes.

§ 500.539 [Removed]

14. Section 500.539 is hereby revoked:

15. Section 500.541 is amended by revising paragraph (c) (2), (e) and (f) and by revoking paragraph (d) to read as follows:

§ 500.541 Certain transactions by persons in foreign countries.

(c) * * *

(2) Merchandise, regardless of origin of a type included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by regula-

tions issued under Section 414 of the Mutual Security Act of 1954, as amended, (68 Stat. 818, 22 U.S.C. 1934) relating to arms ammunition, and implements of war or under Sections 53(a), 62, 82(c), 103 and 104 of the Atomic Energy Act of 1954, as amended (68 Stat. 930, 932, 935, 936, 937; 42 U.S.C. 2073(a), 2092, 2112(c), 2133, 2134), relating to atomic energy facilities or materials for use for non-military purposes, unless the transaction is in compliance with § 505.51 of this chapter.

(d) [Revoked.]

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet-Nam, Cambodia, South Viet-Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea, North Viet-Nam, Cambodia, South Viet-Nam, or their nationals, or merchandise the country of origin of which is North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

16. Section 500.546 is amended by revising paragraph (b) (4) to read as follows:

§ 500.546 Current transactions with China and its nationals authorized.

(b) * * *

(4) Any transaction involving an interest of North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, or nationals thereof.

17. Section 500.547 is amended by revising the heading and paragraph (b) (2), to read as follows:

§ 500.547 Transactions involving merchandise the country of origin of which is the People's Republic of China authorized.

(b) * * *

(2) Any transaction involving merchandise, the country of origin of which is North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

18. Section 500.549 is revised to read as follows:

§ 500.549 Proof of origin.

Specific licenses for importation of goods the origin of which is North Korea, North Viet-Nam, Cambodia, or South Viet-Nam are generally not issued unless the applicant submits satisfactory documentary proof of the location of the goods outside North Korea, North Viet-Nam, Cambodia, or South Viet-Nam prior to the applicable effective date and of the absence of any interest of North Korea, North Viet-Nam, Cambodia, or South Viet-Nam in the goods at all times on or since that date. Since the type of documents which would constitute satisfactory proof varies depending upon the facts of the particular case, it is not possible to state in advance the type of documents required. However, it has been found that affidavits, statements, invoices, and other documents prepared by manufacturers, processors, sellers or shippers cannot be relied on and are

therefore not by themselves accepted by the Office of Foreign Assets Control as satisfactory proof of origin. Independent corroborating documentary evidence, such as insurance documents, bills of lading, etc., may be accepted as satisfactory proof.

19. Section 500.550 is amended by revising paragraphs (a) and (b) to read as follows:

§ 500.550 Publications, films, etc., from North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

(a) Specific licenses are issued for commercial importations of publications, films, posters, phonograph records, photographs, microfilms, microfiche and tapes originating in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, provided all payments due the suppliers are made into blocked accounts in the name of the seller and provided that reports of any such imports and deposits, as required by the Office of Foreign Assets Control, are made by the licensee.

(b) Specific licenses are also issued for such publications, films, etc., originating in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, without restriction as to method of payment, or on an exchange basis, under programs approved by the Librarian of Congress or the National Science Foundation for universities, libraries, research and scientific institutions.

20. Section 500.554 is revised to read as follows:

§ 500.554 Gifts of North Korean, North Vietnamese, Cambodian, or South Vietnamese origin.

(a) Except as stated in paragraph (b) of this section and in section 500.550, specific licenses are not issued for the importation of North Korean, North Vietnamese, Cambodian, or South Vietnamese origin goods sent as gifts to persons in the United States or acquired abroad as gifts by persons entering the United States. However, licenses are issued, upon request, for the return of such goods to the donors in countries other than North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

(b) Specific licenses are issued for the importation directly from North Korea, North Viet-Nam, Cambodia, or South Viet-Nam (1) of goods which are claimed by the importer to have been sent as a bona fide gift and (2) of goods which are claimed to have been acquired in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam as a bona fide gift, subject to the conditions that: (i) The goods are of small value, and (ii) There is no reason to believe that there is, or has been since the applicable effective date, any direct or indirect financial or commercial benefit to North Korea, North Viet-Nam, Cambodia, or South Viet-Nam or nationals thereof from the importation.

21. Section 500.555 is revised to read as follows:

§ 500.555 Bank accounts and other property of persons who were in the People's Republic of China on or after December 17, 1950 and prior to May 7, 1971.

(a) Persons who left the People's Republic of China after December 17, 1950. Specific licenses are issued unblocking the accounts and other property of persons who left the People's Republic of China after December 17, 1950, provided that they submit evidence satisfactorily demonstrating that they have established residence in a foreign country in the authorized trade territory.

(b) Non-Chinese decedents who died in the People's Republic of China on or after December 17, 1950 and prior to May 7, 1971. Specific licenses are issued authorizing the administration of the estates of non-Chinese decedents who died in the People's Republic of China on or after December 17, 1950 and prior to May 7, 1971, provided that any distribution to a blocked national of China is made by deposit in a blocked account in a domestic bank in the name of the blocked national.

22. Section 500.557 is revised to read as follows:

§ 500.557 Proceeds of insurance policies.

(a) Specific licenses are issued authorizing payment of a portion of a blocked life insurance policy issued on the life of a Chinese, North Korean, North Vietnamese, Cambodian, or South Vietnamese national who died in one of those countries after the applicable effective date, and in the case of a Chinese national, prior to May 7, 1971, to non-blocked beneficiaries as follows:

(1) Payment may be licensed of a portion equal to the proportionate shares due the beneficiaries after deduction of an amount equal to the cash surrender value of the policy on the date of the insured's death, (i.e., the value of the blocked insured's interest), subject to the condition that the amount deducted is deposited in a blocked account in a domestic bank in the name of the estate of the insured.

(2) [Deleted.]

(3) Where a non-blocked surviving spouse of the insured is a beneficiary, payments to such spouse are licensed pursuant to the procedures in paragraphs (a) (1) and (2) of this section.

(b) Where a blocked life insurance policy on the life of a Chinese, North Korean, North Vietnamese, Cambodian, or South Vietnamese national who died in any one of those countries after the applicable effective date, and in the case of the Chinese national prior to May 7, 1971, provides for payment to the estate of the insured, licenses are not issued for payment except to a blocked account in a domestic bank in the name of the estate of the deceased insured.

23. Section 500.558 is being amended by revising the introduction to paragraphs (a) and (b) and by amending paragraphs (a) and (b) to read as follows:

§ 500.558 Accounts of blocked partnerships.

Specific licenses are issued unblocking partnerships established under the laws of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam, as follows:

(a) Where all of the general partners and limited partners, if any, have emigrated from China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam and have established residence in the United States or in a country in the authorized trade territory, specific licenses are issued unblocking the assets of the partnership after deducting the total debt due creditors wherever located.

(b) Where one or more partners, whether general or limited, is in China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam (or elsewhere but still blocked), specific licenses are issued unblocking only the net pro rata shares of those partners who are resident in the United States or in a country in the authorized trade territory after deducting the total debt due creditors wherever located.

24. Section 500.559 is revised to read as follows:

§ 500.559 Accounts of Chinese, North Korean, North Vietnamese, Cambodian or South Vietnamese sole proprietorships.

Specific licenses are issued unblocking sole proprietorships established under the laws of China, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam if the proprietor has emigrated from those countries and established residence in the United States or a country in the authorized trade territory. Such licenses do not unblock any indebtedness of the proprietorship due to persons in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam or to persons in China if the indebtedness existed prior to May 7, 1971.

25. Section 500.560 is revised to read as follows:

§ 500.560 Bank accounts of official representatives of foreign governments in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

Specific licenses are issued authorizing payments from accounts of official representatives of foreign governments in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam for transactions which are not inconsistent with the purposes of any of the regulations in this chapter.

26. Section 500.562 is revised to read as follows:

§ 500.562 News material from North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

(a) Imports by newsgathering agencies. Specific licenses are issued for the purchase and importation of North Korean, North Vietnamese, Cambodian, or South Vietnamese origin newspapers, magazines, photographs, films, tapes, and other news material or copies thereof by newsgathering agencies in the United States without restriction as to method of payment provided such materials are imported for domestic news publication or news broadcast dissemination.

(b) News material acquired in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam by journalists and news

correspondents. (1) Specific licenses are issued to journalists and news correspondents holding U.S. passports validated for travel to North Korea, North Viet-Nam, Cambodia, or South Viet-Nam authorizing (i) payment of expenses for travel to and from, and maintenance within, North Korea, North Viet-Nam, Cambodia, or South Viet-Nam for the purposes of gathering and transmitting news to the United States; and (ii) the acquisition in North Korea, North Viet-Nam, Cambodia, or South Viet-Nam for transmission to and importation into the United States of newspapers, magazines, photographs, films, tapes, and other news material, or copies thereof, necessary for the journalistic assignments.

(2) A condition of any such license as it applies to an importation is that a validated United States passport for travel to North Korea, North Viet-Nam, Cambodia, or South Viet-Nam must be presented to Customs at the time of importation.

27. Section 500.809 is revised to read as follows:

§ 500.809 Rules governing availability of information.

(a) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552, as amended, to be made available to the public shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on Disclosure of Records of the Office of the Secretary issued under 5 U.S.C. 552, as amended, and published as Part I of this Title 31 of the Code of Federal Regulations, as amended.

(b) The records of the Office of Foreign Assets Control required by 5 U.S.C. 552a to be made available to an individual shall be made available in accordance with the definitions, procedures, requirements for payment of fees, and other provisions of the Regulations on Disclosure of Records of the Office of the Secretary issued under 5 U.S.C. 552a and published as Part I of this Title 31 of the Code of Federal Regulations.

(c) Form TFAC-1 and any other form used in connection with the Foreign Assets Control Regulations may be obtained in person from or by writing to the Office of Foreign Assets Control, Treasury Department, Washington, D.C. 20220, or the Foreign Assets Control Division, Federal Reserve Bank of New York, 33 Liberty Street, New York, New York 10045.

(50 U.S.C. App. 5(b); Executive Order 9193, 3 CFR 1943 Cum. Supp.; Treasury Department Order No. 128, 32 FR 3472.)

Effective date. These amendments take effect on April 20, 1976.

[SEAL] STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

DAVID R. MACDONALD,
Assistant Secretary (Enforcement, Operations and Tariff Affairs).

[FR Doc. 76-11339 Filed 4-19-76; 8:45 am]

PART 505—TRANSACTION CONTROL REGULATIONS

Miscellaneous Technical Amendments

Sections 505.10 and 505.31 are being amended by the addition of Cambodia and South Viet-Nam to the countries specified in those sections. The changes are made necessary by the inclusion in the Schedule of § 500.201(d) of those countries.

Section 505.10 is also being amended by changing the reference to "China (communist controlled)" and "Germany (only those areas under the control of administration of the Union of Soviet Socialist Republics or Poland)" to "People's Republic of China" and "German Democratic Republic and East Berlin."

Section 505.10 is being further amended by changing the citations therein to reflect current citations.

As the material contained herein involves only technical amendments to published rules and as those published rules involve a foreign affairs function, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay in effective date are inapplicable.

31 CFR Part 505 is amended as follows:

1. Section 505.10 is amended by revising (b) and the schedule to that section to read as follows:

§ 505.10 Prohibitions.

(b) The merchandise is included in the Commodity Control List of the United States Department of Commerce (15 CFR Part 399) and identified by the code letter "A" following the Export Control Commodity Number, or of a type the unauthorized exportation of which from the United States is prohibited by regulations issued under Section 414 of the Mutual Security Act of 1954 (68 Stat. 848, 22 U.S.C. 1934) relating to arms, ammunition, and implements of war or under sections 53(a), 62, 82(c), 103 and 104 of the Atomic Energy Act of 1954, as amended (68 Stat. 930, 932, 935, 936, and 937; 42 U.S.C. 2073(a), 2092, 2112(c), 2133, 2134), relating to atomic energy facilities or materials for use for non-military purposes.

SCHEDULE

Albania
Bulgaria
Cambodia
Czechoslovakia
Estonia
German Democratic Republic
East Berlin
Hungary
Latvia
Lithuania
North Korea
Outer Mongolia
People's Republic of China
Romania
South Viet-Nam
Tibet
U.S.S.R.
North Viet-Nam

2. Section 505.31 is amended by revising paragraph (a) (1) to read as follows:

§ 505.31 General license for offshore transactions from certain countries.

(a) * * *

(1) Shipment is to a country listed in the schedule of § 505.10, other than North Korea, North Viet-Nam, Cambodia, or South Viet-Nam.

* * *
(50 U.S.C. App. 5(b); Executive Order 9193, 3 CFR 1943 Cum. Supp.; Treasury Department Order No. 128, 32 FR 3472.)

Effective date. These amendments take effect on April 20, 1976.

STANLEY L. SOMMERFIELD,
Acting Director,
Office of Foreign Assets Control.

Approved:
DAVID R. MACDONALD,
Assistant Secretary (Enforcement,
Operations and Tariff Affairs).

[FR Doc.76-11338 Filed 4-19-76;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 724]

CIGAR-BINDER TOBACCO

Termination of Marketing Quotas on Cigar-Binder (Types 51 and 52) Tobacco for the 1976-77 Marketing Year

Pursuant to and in accordance with Section 371(a) of the Agricultural Adjustment Act of 1938, as amended (referred to hereinafter as the "Act"), an investigation is being made to determine whether the operation of farm marketing quotas in effect on cigar-binder (types 51 and 52) tobacco for the 1976-77 marketing year will cause the amount of such kind of tobacco which will be free of marketing restrictions to be less than the normal supply for such kind of tobacco for such marketing year.

If upon the basis of such investigation the Secretary finds the existence of such fact, he will proclaim the same and specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such kind of tobacco which will be free of marketing restrictions for the 1976-77 marketing year equal to the normal supply.

Marketing quotas were proclaimed for cigar-binder (types 51 and 52) tobacco for the 1975-76, 1976-77 and 1977-78 marketing years (40 F.R. 5135, 7619). Farmers approved marketing quotas for such 3 marketing years (40 F.R. 14737), and marketing quotas for the 1975-76 marketing year were later terminated (40 F.R. 25199).

Under present legislation the termination of marketing quotas for any marketing year would be limited in application and effect to that year only.

Under Section 101 and 106 of the Agricultural Act of 1949, as amended, price support will be made available on the 1976 crop of cigar-binder (types 51 and 52) tobacco even if marketing quotas are terminated because producers did not disapprove marketing quotas for such tobacco.

Data shows that total disappearance (domestic use plus exports) of cigar-binder (types 51 and 52) tobacco has decreased from 26 million pounds during the 1955-56 marketing year, prior to the advent of reconstituted binder sheet, to 3.4 million pounds during the 1974-75 marketing year. Disappearance is expected to decline to 2.8 million pounds during the 1975-76 marketing year. This has necessitated drastic adjustments in production. Producers used the Soil Bank and the Cropland Adjustment Programs extensively in making

these adjustments. In addition, the allotted acreage has been reduced from 18,643 acres in the 1955-56 marketing year to about 4,790 acres in 1976.

Total disappearance (domestic use plus exports) has exceeded production in 17 of the 20 years from 1955 to 1974. This has caused stocks of this kind of tobacco to decline from 62.2 million pounds on October 1, 1955 to 6.1 million pounds at the beginning of the current marketing year (October 1, 1975).

With production during the 1975-76 year estimated at 2.2 million pounds, the total supply of cigar-binder tobacco is 8.3 million pounds. Normal supply as determined under the provisions of section 301 of the Act for the 1976-77 marketing year for cigar-binder is 11.6 million pounds. Thus, the total supply of cigar-binder is below normal.

Quotas for cigar-binder have been annually terminated since the 1970 marketing year began.

Section 371 (a) of the Act provides that in the course of the investigation conducted by the Secretary, due notice and opportunity for hearing shall be given to interested persons. Consideration will be given to data, views, and recommendations pertaining to the determinations and actions described in this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Also, requests for a hearing will be granted if submitted to the Director by May 5, 1976. All submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3744, South Building, 14th and Independence Avenue, S.W., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than May 5, 1976.

Signed at Washington, D.C. on April 14, 1976.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 76-11228 Filed 4-19-76; 8:45 am]

Forest Service

[36 CFR Part 221]

TIMBER

Timber Export and Substitution Restrictions

Notice is hereby given that the Forest Service is seeking comments on: (a) whether or not to change the definition of unprocessed timber as defined in 36 CFR 221.25c and, (b) whether or not to

change the procedure for determining if a species or class of material is surplus to domestic needs.

A. *Changes in the definition of unprocessed timber as defined in 36 CFR 221.25c.* Under the provisions of this regulation, unprocessed timber may not be exported from National Forest lands west of the 100th meridian, nor may National Forest timber be substituted for any exported unprocessed timber.

In House Report 94-374, the Committee on Appropriations requested the Forest Service to reexamine the present manufacturing regulations and consider alternatives. Comments are being solicited to determine if a change should be made. If there is sufficient interest in revising the definition of unprocessed timber, a public hearing will be held to make a final determination on whether a change is needed, and if so, what alternative rules should be established.

To facilitate the determination of whether to make a change, several alternatives to the current regulation have been developed. The presentation of these specific alternatives does not preclude the development of new ideas which may later be added to this list.

The following excerpt from 36 CFR 221.25, which is the current definition for unprocessed timber, is presented as a base against which new alternatives may be compared.

(c) As used in this section, the term "unprocessed timber" shall mean any logs of species, quantities or grades which have not been found surplus to domestic needs and having a net scale content not less than 33 1/3 percent of the gross volume in material meeting the peeler or sawmill grade requirements published in the July 1, 1972, official Log Scaling and Grading Rules used by West Coast Log Scaling and Grading Bureaus; cants to be subsequently remanufactured exceeding 8 3/4 inches in thickness; cants of any thickness reassembled into logs; and split or round bolts, or other roundwood not processed to standards and specifications suitable for end-product use. Unprocessed timber shall not mean pulp (utility) grade logs and Douglas-fir special cull logs or timber processed into the following:

- (1) Lumber and construction timber, regardless of size, sawn on four sides;
- (2) Chips, pulp and pulp products (except that, in Alaska, chips from logging and milling wastes only shall be considered to be processed);
- (3) Green veneer and plywood;
- (4) Poles and piling cut or treated for use as such;
- (5) Cants cut for remanufacture, 8 3/4 inches in thickness or less.

The alternatives offered are:

1. Substitute "Export R" for items 1 and 5 in the current regulation. "Export R" refers to *Grading Rules for Douglas Fir, Pacific Coast Hemlock, Sitka Spruce, and Western Red Cedar Lumber for Export Shipment*, edition of 1951 (revised 1971), adopted by: West Coast Lumbermen's Association; and, British Columbia Lumber Manufacturers Association. The rules are printed and copyrighted by the Pacific Lumber Inspection Bureau of Seattle, Washington.

In order for a timber product to be exported under this alternative, the product would be required to meet the minimum specifications for at least one Export R grade for that size and species. It would in effect eliminate the export of cants which have not been cut on all 4 sides. However, since a limited amount of wane is permitted under Export R rules, complete squaring would not be required.

2. Require that all material be completely sawn on four sides for it to qualify for export. Under this alternative, no wane whatsoever would be permitted. Therefore, this alternative would be more restrictive than Export R and considerably more restrictive than the present Regulation.

3. Permit cants sawn on both sides to be exported regardless of thickness. This alternative would be less restrictive than the current regulation. It reflects the least amount of primary manufacture which could logically be required.

Under all the listed alternatives, the following materials will not be restricted: Cull logs (less than 33 1/3 percent sound), pulp grade logs, special cull logs, green veneer and plywood, chips, pulp and pulp products (except that, in Alaska, chips from logging and milling wastes only shall be exempt), and poles and piling cut or treated for use as such.

Comments regarding either the current regulation or one of the alternatives should be submitted by (30 days after publication in the Federal Register) to the Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Timber Management, South Agriculture Building, Room 3232, Washington, D.C. 20250 during regular business hours (7 CFR 1.27(b)).

B. Change in procedure for determining if a species or class of material is surplus to domestic needs. Secretary of Agriculture Regulation 36 CFR 221.25 provides that a species or class of material be declared surplus to domestic needs subsequent to public hearings, but does not establish a means for determining when such hearings are to be held. Under current practice, public hearings are held in response to requests by individuals or firms if it appears likely that a favorable determination of surplus could be made. Following one such recent request, the Forest Service published a notice in the FEDERAL REGISTER to determine if a favorable surplus determination was likely.

To standardize the basis for determining whether a public hearing should be held, the Forest Service proposes that one of two alternatives be adopted. The two proposals are as follows:

1. Upon receiving a documented request that a particular species or grade of timber is surplus to domestic needs, a request for comments will be published in the Federal Register and in local newspapers in the affected area. Based upon the comments received, a decision will be made whether or not a public hearing to consider the level of local demand is warranted. The documented request should include a full description of the circumstances which lead to the conclusion that a species is surplus.

2. Sales of National Forest timber are the best evidence of local demand. If a significant number of National Forest timber sale offerings in export areas receive no bids, an analysis would be made to determine which species or species group was involved. If it appeared that there was a surplus, public hearings would be scheduled in order to develop a record upon which the Secretary could make a determination.

Comments regarding either of the above alternatives should be submitted on or before May 20, 1976 to the Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Timber Management, South Agriculture Building, Room 3232, Washington, D.C. 20250 during regular business hours (7 CFR 1.27(b)).

(30 Stat. 34, 35 as amended (16 U.S.C. 476, 551) Pub. L. 93-120, Oct. 4, 1973)

ROBERT W. LONG,
Assistant Secretary.

APRIL 15, 1976.

[FR Doc. 76-11378 Filed 4-19-76; 8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[15 CFR Part 805]

SURVEY OF INTERNATIONAL LEASING TRANSACTIONS

Notice of Consideration and of Proposed Rulemaking

The Bureau of Economic Analysis hereby proposes to undertake a preliminary Survey of International Leasing Transactions for the year of 1975. The preliminary survey is designed to measure the extent of international leasing transactions (excluding real estate) by direct investors, leasing companies, vessel owners, offshore drilling and service firms, banks other financial institutions, and other persons, and their effect on the U.S. balance of payments. It also will provide the information necessary to determine whether any leasing transactions are being covered in existing reporting systems, although not separately identified as such, and whether separate data series should be

constructed and included as a separate entry in the balance of payments accounts.

It is therefore deemed desirable to publish interim regulations which will continue in effect while the survey is undertaken. If the results of the survey and public comment reflect a need to continue gathering data in this area permanent regulations will be promulgated and made a part of 15 CFR.

The proposed survey will be taken under the authority of the Bretton Woods Agreements Act (22 U.S.C. 286f) and Executive Order 10033. The proposal to undertake the preliminary survey was approved by the National Advisory Council on International Monetary and Financial Policies on February 24, 1976, and by the Office of Management and Budget on March 16, 1976.

The following forms are proposed to be used in the survey: BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975), BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975), BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975), BE-811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). The survey will collect data on a country-by-country basis and will cover the book value of property being leased, the change in book value during 1975, and the size of lease payments.

Interested persons have until May 20, 1976 to submit written comments which will be considered before final regulations are implemented. Comments may address the substance of the proposed survey rules, the question of whether the preliminary survey should be taken, or both. Comments should be addressed to: Chief, Balance of Payments Division, Room 407, Tower Building, 1401 K Street, N.W., Bureau of Economic Analysis, BE-58(L), Washington, D.C. 20230.

Copies of the proposed survey forms are available on request from the above address.

In consideration of the above, the Bureau of Economic Analysis proposes to amend 15 CFR by adding a new Part 805 as follows:

PART 805—SURVEY OF INTERNATIONAL LEASING TRANSACTIONS

INTERIM REGULATIONS

Sec.	
805.1	Who must report.
805.2	General definitions.
805.3	Number of copies.
805.4	Estimates.
805.5	Filing date.
805.6	Special filing procedures.
805.7	Where to send reports.
805.8	Confidentiality.
805.9	Penalty for refusal to file.
805.10	Information regarding preparation of reports.

AUTHORITY: The provisions of this Part 805 issued under 22 U.S.C. 286f and Executive Order 10033.

INTERIM REGULATIONS

§ 805.1 Who must report.

(a) *United States person who engaged in leasing transactions with its*

foreign affiliates. One Form BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975) must be filed by a U.S. person for each foreign affiliate for which it filed a Form BE-577, BE-577A, BE-578, BE-578B, or BE-578I in 1975, and with which affiliate it engaged in lease transactions. Foreign affiliates should be consolidated as reported on Form BE-577, BE-578, BE-578B, or BE-578I for 1975. Form BE-811 should be used to report lease transactions with unaffiliated foreigners.

(b) *United States person who engaged in leasing transactions with its foreign parent or a foreign affiliate of its foreign parent.* One Form BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975) must be filed by a U.S. person for each foreign parent or foreign affiliate of a foreign parent for which the U.S. person filed a Form BE-605, BE-606, BE-606B, or BE-606I in 1975, and with which the U.S. person had leasing transactions. The same consolidation of U.S. business enterprises should be used on this form as used on the corresponding BE-605, BE-606, BE-606B, or BE-606I for 1975. Form BE-811 should be used to report lease transactions with unaffiliated foreigners.

(c) *United States person, not a carrier, who leases or who manufactures and sells reusable cargo containers to foreigners.* The above must file a report on Form BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975). A U.S. person otherwise required to report is exempt from filing a report on Form BE-810 if the sum of both lease receipts and payments for the reporting period is less than \$50,000. United States carriers leasing reusable cargo containers to foreigners should report on BE-30 (Ocean Freight Revenue and Expenses—United States Carriers) or BE-37 (American Airline Operators Foreign Revenues and Expenses).

(d) *United States person who engaged in leasing transactions with unaffiliated foreigners.* The above must file a report on Form BE-811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). One Form BE-811 is to be filed for each country with which the U.S. person conducts leasing transactions. A consolidated report may be filed covering all transactions with more than one unaffiliated foreigner within a country. Reporters filing Form BE-580 (Leasing of Tangible Property to or from Foreign Affiliates in 1975) or BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975) should also file Form BE-811 if they conduct leasing activities with both affiliated and unaffiliated foreigners. A United States person otherwise required to report is exempt from filing Form BE-811 if the aggregated original cost of tangible property leased to or from unaffiliated foreigners is less than \$250,000.

§ 805.2 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *United States.* United States shall mean the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) *Foreign.* Foreign shall mean that which is situated outside the United States: belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

(c) *U.S. Person.* A U.S. person shall mean an individual, a government, a corporation, a branch, a partnership, an associated group, a joint stock company, a trust, an estate, or other entity under the jurisdiction of the United States and residing in the United States, including its territories and possessions.

(d) *Associated Group.* An associated group shall mean two or more U.S. persons who, by the appearance of their actions, by agreement, or by understanding, exercise their voting privileges in a concerted manner to influence the management of a foreign business enterprise. The following are deemed to be associated groups:

- (1) Members of the same family.
- (2) A business enterprise and one or more of its officers or directors.
- (3) Members of a syndicate or joint venture.
- (4) A corporation and its domestic subsidiaries.

(e) *Reporter.* A U.S. reporter shall mean a U.S. person from whom a report is required. If the enterprise is not identifiable by name, the report may be filed on behalf of the U.S. reporter by an agent or representative of the foreign beneficial owner or by such owner directly.

(f) *Foreign Person.* Foreign person shall mean any person, including U.S. persons, residing outside the United States. A person shall include an individual, partnership, association, corporation, estate, trust, or other entity created or organized under the laws of a foreign country.

(g) *Foreign Parent.* A foreign parent shall mean any foreign person directly and/or indirectly owning 10 percent or more of the voting securities of a U.S. corporation or of other ownership equities in other types of U.S. organizations. In some cases there may be more than one parent. (If the amounts being reported are for transactions or accounts of the U.S. reporter with a person who is not the equity owner but who is acting for the equity owner—for example, with the home office of a bank or an insurance company which itself is not the equity owner—that person shall be considered the foreign parent for purposes of the report.)

(h) *Foreign Affiliate.* A foreign affiliate shall mean any incorporated foreign business enterprise in which a U.S. person owns, directly and/or indirectly, 10 percent or more of the voting securities, or any unincorporated foreign business

enterprise in which the U.S. person owns, directly and/or indirectly, an equivalent interest.

(i) *Affiliated Foreigner.* An affiliated foreigner shall mean either a foreign affiliate of a U.S. person or a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(j) *Unaffiliated Foreigner.* An unaffiliated foreigner shall mean any foreigner who is neither a foreign affiliate of a U.S. person nor a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(k) *Carrier.* Carrier shall mean the owner of a vessel or the operator of a chartered or subchartered vessel, who enters into and carries out any form of transportation contract with the shippers of merchandise.

(l) *Lease.* Lease shall mean a contract by which one person gives another person the use and possession of tangible property (other than real estate) for a specified time in return for agreed-upon payments.

(1) *Financial Lease* shall mean a long-term lease under which a sale of the property is recognized at the inception of the lease (these may be shown as lease contracts or accounts receivable on the lessor's books). Total lease payments made pursuant to the lease agreement consist of payments of principal (return of capital), which relate to the value of the leased tangible property, and interest.

(2) *Operational Lease* generally shall mean a lease with a term which is less than the useful life of the property. Total lease payments pursuant to the lease agreement may be viewed as consisting of depreciation (return of capital) of the leased tangible property and net rent.

NOTE: In determining whether a lease is financial or operational, reporters should use the same criteria applied in recording the lease on their books.

(m) *Net Book Value.* Net Book Value shall mean, under an operational lease, the original cost less the accumulated depreciation of the leased tangible property, or, under a financial lease, the amount of principal payments remaining due at any given time for the leased tangible property under the lease contract.

§ 805.3 Number of copies.

A single original copy of each form shall be filed with the Bureau of Economic Analysis.

§ 805.4 Estimates.

Every question on a form which a reporter is required to file must be answered. If the information is not available as specified on the form, a reasonable estimate should be entered and labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation.

§ 805.5 Filing date.

Forms shall be filed on or before July 31, 1976, or no later than 60 days

after publication of final regulations in the FEDERAL REGISTER, whichever date is later.

§ 805.6 Special filing procedures.

When data specified on a report form are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, Department of Commerce, Washington, D.C. 20230, for consideration of the specific problem.

§ 805.7 Where to send reports.

All reports shall be sent to the Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230. Forms BE-580 and BE-608 should be marked to the attention of BE-50(L) and forms BE-810 and BE-811 to the attention of BE-58(L).

§ 805.8 Confidentiality.

(a) All reports will be held in confidence under the provisions of the Bretton Woods Agreements Act (22 U.S.C. 286f).

(b) The public's attention is invited to 22 U.S.C. 286f(c) which provides for a fine and/or imprisonment for the unlawful disclosure by an officer or employee of the Government of any information obtained under the Bretton Woods Agreements Act.

§ 805.9 Penalty for refusal to file.

The public's attention is invited to 22 U.S.C. 286f(b) which provides subpoena power to the Government to compel the production of data and enforcement of that power through contempt proceedings in the District Court.

§ 805.10 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, may apply directly to the Bureau of Economic Analysis BE-58(L), U.S. Department of Commerce, Washington, D.C. 20230. Each reporting form contains the specific instructions needed for completion.

Dated: April 12, 1976.

GEORGE JASZI,
Director, Bureau of
Economic Analysis.

[FR Doc.76-11260 Filed 4-19-76;8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

Social Security Administration

[20 CFR Part 401]

[Reg. No. 1, further amended]

**DISCLOSURE OF OFFICIAL RECORDS
AND INFORMATION**

**Disclosure to the Parent Locator Service To
Locate Absent Parents**

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments set forth in tentative form below are proposed by the Commissioner of Social Security with the

approval of the Secretary of Health, Education, and Welfare.

Section 453 of the Social Security Act (42 U.S.C. 653), as added by P.L. 93-647, provides for establishment of a Parent Locator Service (hereinafter referred to as the PLS) within the Department of Health, Education, and Welfare to obtain and transmit to authorized persons information as to the whereabouts of absent parents when such information is to be used to locate such parents for the purpose of enforcing their obligation to provide child support and maintenance.

Section 453(b) of the Act specifies that, upon appropriate request, the Secretary shall, notwithstanding any other provision of law, provide information through the Parent Locator Service to authorized persons as to the most recent address and place of employment of an absent parent. Section 453(b)(2) specifically requires the Secretary to furnish such information if it is not in the Secretary's or the Department's files but can be obtained by the Secretary for the PLS, under authority of section 453(e), "from any other department, agency, or instrumentality, of the United States or of any State." Section 453(e), in turn, expressly directs that the Secretary "shall promptly undertake to provide the information requested from the files and records maintained by any of the departments, agencies, or instrumentalities of the United States or of any State." Under section 453(e)(2), the Federal units must promptly cause a search to be made of their files and records to determine whether the requested information is therein contained.

In many instances, the key to access to the files and records of Federal and States agencies is the Social Security Number (SSN). Without the SSN, the PLS and the Federal and State agencies from which it seeks information, would be significantly hampered in carrying out their functions, contrary to the intent of Congress. See Sen. Rep. No. 93-1356, 93rd Cong., 2d Sess. pps. 48-49 (1974). Accordingly, the proposed regulation provides for furnishing to the PLS the most recent address, place of employment, and social security number of any absent parent.

Section 1106(a) of the Social Security Act prohibits disclosure of information from social security files except as the Secretary may by regulations prescribe and except as provided in Part D of Title IV of this [the Social Security] Act, (which includes section 453). Thus, the Congress has treated disclosure for purposes of title IV-D differently from all other disclosures of social security information. Disclosure as provided in title IV-D, described above, is specifically excepted from the broad prohibition of disclosure under section 1106(a) and from the limitations on disclosure ordinarily applicable in the Secretary's prescription of regulations under that authority.

Information in social security records about the absent parent other than the most recent address, place of employment and SSN will not be furnished to

the PLS. Also, no other disclosures will be made of information about an absent parent or of any other individual unless otherwise authorized by this regulation or specifically required by Federal law.

The disclosure to the PLS of the most recent address, place of employment and SSN is consistent with the Privacy Act of 1974, 5 U.S.C. 552a. That Act, in 5 U.S.C. 552a(b)(1), specifically authorizes disclosure, without the consent of the subject individual, of information maintained in a system of records, to officers and employees of the same agency (here, HEW of which the PLS is a component) who have a need for the information in the performance of their official duties. No additional publication of such disclosure under the authority of this provision is required by the Privacy Act. PLS employees would have a need for the most recent address, place of employment and SSN of absent parents in carrying out their official duties.

Accordingly, Regulation No. 1 is being amended to authorize disclosure to the PLS, upon request, of the most recent address, place of employment, and social security number of any absent parent.

Further, certain technical changes have been made in § 401.3(g)(1) with respect to statutory references. Also, §§ 401.3(g)(3) and (4) and 401.3(s) will be revoked because they are superseded by the proposed § 401.3(y).

Prior to final adoption of the proposed regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Maryland 21203, on or before May 30, 1976.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Information, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 453, 1102, and 1106 of the Social Security Act, 53 Stat. 1368, as amended, 88 Stat. 2353, 49 Stat. 647, as amended, 53 Stat. 1398, as amended, 42 U.S.C. 405, 653, 1302, and 1306.

(Catalog of Federal Domestic Assistance Programs No. 13.800-13.807, Social Security Programs.)

Dated: April 7, 1976.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 14, 1976.

DAVID MATHEWS,
Secretary of Health, Education,
and Welfare.

Part 401 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Section 401.3 is amended by revising paragraph (g)(1), by revoking and reserving paragraphs (g)(3), (g)(4) and

(s), and by adding a new paragraph (y) to read as follows:

§ 401.3 Information which may be disclosed and to whom.

Disclosure of information relating to individuals is hereby authorized in the following cases and for the following purposes:

(g) (1) To any officer or employee of an agency of a State Government lawfully charged with the administration of (i) a program receiving grants-in-aid under titles IV-A, V, and XIX (and, in the case of Puerto Rico, Guam, and the Virgin Islands, under titles I, X, XIV, and XVI) of the Social Security Act, or (ii) an optional supplementation program, cognizable under title XVI, information regarding benefits paid to an individual or his entitlement to benefits under title II or XVI of the Social Security Act, or information with respect to entitlement of an individual or benefits provided him under title XVIII of such Act, and, if it has been determined, the date of birth of a recipient or applicant, and also whether a period of disability has been established for such recipient or applicant, the beginning and ending date of such period, and the date determined to be the date of onset of such disability, where such information is necessary to enable the agency to determine the eligibility of or the amount of benefits or services due such recipient or applicant. Medical information relating to an individual and obtained in the administration of title II or XVI may be furnished for such a purpose to such on officer or employees only upon consent of such individual or his duly authorized representative and of the source of such information or, if such source is not available, a physician in the employ of the Department. Medical information relating to an individual and obtained in the administration of title XVIII may be furnished if the source of such information does not object to the disclosure and the individual or his duly authorized representative consents to such disclosure.

- (2) * * *
- (3) [Reserved]
- (4) [Reserved]

(s) [Reserved]

(y) To the Parent Locator Service established pursuant to section 453 of title IV of the Social Security Act (42 U.S.C. 653), the most recent address, place of employment, and social security number of any absent parent, for purposes of locating such parent for enforcing child support obligations against such parent in accordance with Part D of title IV, provided payment of cost incurred in providing such information is made as required by section 1106(b) of the Social Security Act (42 U.S.C. 1306(b)).

2. Section 401.6 is amended by adding a new paragraph (h) to read as follows:

§ 401.6 Payment for information in specific cases.

(h) Notwithstanding any other provisions of this section when the request is received through the Parent Locator Service payment of cost incurred shall be made as required by section 1106(b) of the Social Security Act (see § 401.3(y)).

[FR Doc. 76-11321 Filed 4-19-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-1070]

CITY OF DANBURY, CONNECTICUT

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Danbury, Connecticut.

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Still River	U.S. 7	288	60	300
	I-84	293	70	06
	Old Newton Rd.	296	290	40
	Newton Rd.	323	30	20
	Casper St.	357	75	75
	White St.	374	40	40
	Penn Central RR.	415	20	30
	Penn Central RR.	450	20	30
	Newton Rd.	203	710	370
	Shelter Rock Rd.	356	10	600
Limekiln Brook	Crosby St.	374	40	50
	Balmforth Ave.	387	60	20
	Hayestown Ave.	393	20	30
	Padanaram Rd.	405	20	30
	Golden Hill Rd.	442	95	10
Kohanya Brook	North St.	388	260	25
	Thorp St. (extension)	391	100	260
	Kohanya St.	429	15	10

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11211 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1069]

CITY OF LEWES, DELAWARE

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Danbury must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Charles A. Ducibella, City Hall, 155 Deer Hill Avenue, Danbury, Connecticut 06810. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Lewes, Delaware.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Lewes must adopt flood plain management measures

that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Lewes, Delaware, 19958.

Any person having knowledge, information, or wishing to make a comment

on these determinations should immediately notify Mr. Ronald Donovan, City Manager, Box 227, Lewes, Delaware, 19958. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width (feet)
Delaware Bay.....	Pilot Town Rd. south of Roosevelt Inlet.....	12	1,750
	Savannah Rd. north of Lewes and Rehoboth Canal...	9	2,800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804), November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-11212 Filed 4-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1068]

CITY OF CLEWISTON, FLORIDA

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Clewiston, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Clewiston

must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Clewiston, Florida 33440.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor J. W. Beardsley, P.O. Box 698, Clewiston, Florida 33440. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation—feet above mean sea level	Width (feet)
Lake Okeechobee.....	Esperanza Ave.....	18	± 80-600
	Bosco Ave.....	18	± 100
	Francisco St.....	18	± 1,440
	San Pedro St.....	18	± 1,280
	Carmita St.....	18	± 1,280
	Pacific Ave.....	18	± 1,280

¹ Location of boundaries of 100-yr flood in feet northwest of Magnolia Ave.

² Location of boundaries of 100-yr flood in feet east of Francisco Street to corporate limits.

³ Distance in feet north of corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804), November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-11213 Filed 4-19-76;8:45 am]

PROPOSED RULES

[24 CFR Part 1917]

[Docket No. FI-21066]

CITY OF ALBANY, GEORGIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Albany, Georgia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Albany must adopt

flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Albany, Georgia 31702.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor James H. Gray, Sr., City Hall, P.O. Box 447, Albany, Georgia 31702. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Flint River	U.S. Highway 19	191	1,600	(1)
	Southern RR	190	1,400	(1)
	Seaboard Coast Line RR	187	150	200
	Broad Ave	187	150	250
	Oglethorpe Ave	180	300	300
Kinchafosse Creek	4th Bridge	182	1,200	1,400
	Central of Georgia RR	192	500	(1)
	Southern RR	192	400	(1)

¹ Extends to corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11214 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1065]

CITY OF INDEPENDENCE, BUCHANAN COUNTY, IOWA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Independence, Buchanan County, Iowa.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board in the Lobby of the City Hall, 331 First Street, East, Independence.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Robert Blakesley, 306 First Street, East, Independence, Iowa 50644. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream (feet)	
			Left	Right
Washpincon River	Corporate limits	908	(1)	(1)
	Highway No. 150	910	1,580	(1)
	Highway No. 20	913	330	2,470
	Corporate limits	914	1,525	175
Malone Creek	Highway 20	912	45	60
	3d St. NE	913	190	360
	Corporate limits	929	80	240

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-11215 Filed 4-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1034]

CITY OF ZACHARY, LOUISIANA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Zachary, Louisiana.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Zachary

must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, Zachary, Louisiana 70791.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jack L. Breaux, City Hall, Zachary, Louisiana 70791. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Cypress Bayou, tributary No. 1.	Louisiana 64 (upstream side of road)	90.3	560	390
Cypress Bayou, tributary No. 2.	Louisiana 19 (downstream side of road)	85.4	40	80
	Lower Zachary Rd.			
	Upstream side of road	85.1	240	280
	Downstream side of road	85.0	200	280
Cypress Bayou	Rollins Rd. (downstream side of road)	97.2	170	190
	Louisiana 64:			
	Upstream side of road	87.0	540	390
	Downstream side of road	86.8	400	110
White Bayou	Port Hudson Pride Rd.	104.6	2,300	3,800
	Louisiana 19:			
	Upstream side of road	97.7	3,520	5,280
	Downstream side of road	97.6	3,520	7,580
	Louisiana 64 (downstream side of road)	93.0	180	(1)
	Lower Zachary Rd. (upstream side of road)	90.2	4,400	(1)

¹ To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-11216 Filed 4-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1061]

TOWN OF PERRYVILLE, CECIL COUNTY,
MARYLAND

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)) hereby gives notice of his proposed determinations of flood elevations for the Town of Perryville, Cecil County, Maryland.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood In-

surance Program, the Town must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall, 515 Broad Street, Perryville.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Dominick J. Cisaldo, President of the Town Commissioners, 515 Broad Street, Perryville, Maryland 21903. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from shoreline to 100-yr flood boundary (feet)
Susquehanna River.....	Penn Central RR.....	7.5	200
	Route 40.....	7.5	140
	Baltimore & Ohio RR.....	7.5	170

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc.76-11217 Filed 4-19-76;8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1063]

TOWN OF FEDERALSBURG, MARYLAND

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Federalsburg, Maryland.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Federalsburg must adopt flood plain management

measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, 103 South Main Street, Federalsburg, Maryland 21632.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Albert Gerardi, 103 South Main Street, Federalsburg, Maryland 21632. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Marshyhope Creek.....	Penn RR.....	14	1,820	100
	Central Ave.....	15	880	310

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11218 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1060]

CITY OF PACIFIC, MISSOURI

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 989, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the City of Pacific, Missouri.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City of Pacific must adopt flood plain management

measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, 218 1st Street, Pacific, Missouri 63069.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Jack McKinney, 218 1st Street, Pacific, Missouri 63069. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Thornton Branch	Interstate 44	500	150	130
Thornton Branch and Brush Creek	Vincent Dr.	480	Extends 270 ft. north of the Mis- souri Pacific RR.	
Brush Creek	Missouri Pacific RR.	480	100	90
Monroe Branch	Congress St.	(1)	180	1,000
	Interstate 44	505	200	250
	Osage St.	496	120	80
Wild Horse Creek	Congress St.	469	300	150
	Park St.	492	110	120
	Sand St.	483	160	90
	Franklin St.	482	270	250
	Osage St.	(1)	680	450
	Elm St.	(1)	50	750
Meramec River	Neosho St.	465	Entire street between Union St. and Osage St.	
	St. Louis St.	(1)	Entire street between Columbus St. and Olive St.	
	Orleans St.	464	Entire street east of the St. Louis- San Francisco RR.	
Bush Creek and Meramec River	1st St.	(1)	Entire street south of the St. Louis-San Francisco RR.	
	Pacific St.	(1)	Entire street east of 4th St.	
	4th St.	(1)	Entire street south of Pacific St.	
	St. Louis-San Francisco RR.	(1)	4,230	1,210

¹ Varies.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11219 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1059]

BOROUGH OF ALLENDALE, NEW JERSEY**Proposed Flood Elevation Determination**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Allendale, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Allendale must adopt flood plain management

measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 290 Franklin Turnpike, Allendale, New Jersey 07401.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Edward Fitzpatrick, 290 Franklin Turnpike, Allendale, New Jersey 07401. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the *FEDERAL REGISTER*, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hohokus Brook	Brookside Ave.	290	175	50
	West Crescent Ave.	273	190	710
	Park Ave.	265	40	460
Valentine Brook	Forest Rd.	309	(1)	270
Ramsey Brook	Erie Lackawanna RR.	326	250	985
	West Crescent Ave.	288	55	770
	Brookside Ave.	279	75	95
Allendale Brook	Franklin Turnpike	273	0	430
	West Allendale Ave.	269	10	20
	West Orchard St.	267	50	100

¹ Outside borough limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
*Acting Federal
Insurance Administrator.*

[FR Doc. 76-11220 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1058]

TOWNSHIP OF BOONTON, MORRIS COUNTY, NEW JERSEY**Proposed Flood Elevation Determination**

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Township of Boonton, Morris County, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Township must

adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Town Hall lobby, 100 Washington Street, Boonton.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mr. Thomas E. Hopkins, Town Clerk, 100 Washington Street, Boonton, New Jersey 07005. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the *FEDERAL REGISTER*, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream (feet)	
			Left	Right
Rockaway River	Southeast corporate limits	485	170	370
	Powerville Rd.	497	170	260
	Southwest corporate limits	499	450	110
Beaver Brook	Valley Rd.	502	290	370
	Rockaway Valley Rd.	506	90	270
	Meadowbrook Rd.	514	130	180
	Northeast corporate limits	550	140	110
Unnamed creek	Rockaway Valley Rd.	510	160	300
	Dixon's Pond	560	40	40
Stony Brook	Rockaway Valley Rd. (extended)	510	150	320
	Limit of detailed study	512	150	210

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11221 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI-1057]

TOWN OF NUTLEY, NEW JERSEY

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Town of Nutley, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Town of Nutley must adopt flood plain management

measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Town Hall, Kennedy Drive, Nutley, New Jersey 07110.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Carmen A. Orechio, Kennedy Drive, Nutley, New Jersey 07110. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Third River	Brookfield Ave.	52	185	17 ⁰
	Chestnut St.	74	130	120
	Harrison St.	72	125	1,000
	Franklin Ave.	72	590	680
Third River, tributary	Elm Place	59	30	140
	Hillside Ave.	65	100	110
	Kingsland St.	104	300	20
Passaic River	Park Ave.	13	10	(?)

¹ Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal
Insurance Administrator.

[FR Doc. 76-11222 Filed 4-19-76; 8:45 am]

PROPOSED RULES

[24 CFR Part 1917]

[Docket No. FI-1056]

BOROUGH OF OLD TAPPAN, NEW JERSEY
Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4 (a)), hereby gives notice of his proposed determinations of flood elevations for the Borough of Old Tappan, New Jersey.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the Borough of Old

Tappan must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Borough Hall, 247 Old Tappan Road, Old Tappan, New Jersey 07675.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Walter H. Frueh, 247 Old Tappan Road, Old Tappan, New Jersey 07675. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from the publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Hackensack River	Washington Ave. North	58	(1)	150
	Old Tappan Rd. West	41	(1)	170
	Westwood Ave	31	(1)	25
Derotockeys Run	Orangeburgh Rd. North	62	20	20
	Old Tappan Rd. East	53	15	80
	Central Ave	46	10	50

† Outside corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2380, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11223 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FI 1066]

CITY OF EAST POINT, FULTON COUNTY,
GEORGIA

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of East Point, Fulton County, Georgia.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance

Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Bulletin Board, City Hall, East Point.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Bruce Bannister, City Hall, East Point, Georgia 30344. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community or ninety days from publication of this notice in the FEDERAL REGISTER, whichever is the later.

The proposed 100-year Flood Elevations are:

tion of this notice in the FEDERAL REGISTER, whichever is the later. The proposed 100-year Flood Elevations are:

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Susquehanna River	North corporate limits	80	60		
	Baltimore & Ohio RR	80	100		
	Pulaski Highway (downstream)	80	400		
	Level Rd (extended)	80	660		
	Erie St. (extended)	80	550		
	Hopper Lane (extended)	80	440		
	Ontario St. (extended)	80	320		
	Linden Lane (extended)	80	210		
	Ostego St. (extended)	80	350		
	Congress St.	80	300		
	Bourbon St. (extended)	80	250		
	Grand St. (extended)	80	720		
	Revolution St. (extended)	80	810		
	Alliance St. (extended)	80	450		
	Calaverite St. (extended)	80	400		
Chesapeake Bay	Yonkers St. (extended)	80	560		
	Market St. (extended)	80	40		
	Union Ave. (extended)	80	80		
	Stokes St. (extended)	80	60		
	Junilia St. (extended)	80	40		
	Seneea St. (extended)	80	80		
	Congress St. (extended)	80	20		
	Bourbon St. (extended)	80	40		
	Grand St. (extended)	80	100		
	Revolution St.	80	150		
	Calaverite St.	80	330		
	Market St.	80	300		
	Bloomsbury Ave.	80	280		
	Pussey St.	80	40		
	Seneea St.	80	60		
Lilly Run	Bay Blvd.	80	130		
	Old Post Rd.	80	180		
	West corporate limits	80	440		
	Level Rd.	80	260		
	Erie St.	80	270		
	Pulaski Highway	80	10		
	Baltimore & Ohio RR	80	80		
	West corporate limits	80	40		
	Pulaski Highway	80	40		
	West corporate limits	80	30		
	West corporate limits	80	20		
	West corporate limits	80	10		
	West corporate limits	80	10		
	West corporate limits	80	10		
	West corporate limits	80	10		
	West corporate limits	80	10		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11225 Filed 4-19-76; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations

[49 CFR Part 179]

[Docket No. HM-109; Notice No. 75-3]

TANK CAR HEAD SHIELDS

Withdrawal of Proposal

On April 23, 1975, the Hazardous Materials Regulations Board published a

notice of proposed rule making, Docket No. HM-109; Notice No. 75-3 (40 FR 17355). The notice proposed to allow a small opening on a head shield applied to DOT 112A and 114A tank cars built prior to September 1, 1974, so as to permit an existing hand brake bracket to pass through the head shield.

All comments received have been given careful consideration, and it is clear that a lack of agreement exists among the commenters as to the merits and the

Source of flooding	Location	Elevation in feet above mean sea level	Width in feet from bank of stream to 100-yr flood boundary facing downstream	Left	Right
Headland Branch	Connally Drive Bridge	867	80	100	
	Headland Drive Bridge	869	150	200	
	Headland Drive Bridge	869	80	80	
	Headland Drive Bridge	869	80	80	
	Headland Drive Bridge	869	80	150	
	Headland Drive Bridge	869	80	110	
	Headland Drive Bridge	869	80	230	
	Headland Drive Bridge	869	80	180	
	Headland Drive Bridge	869	80	100	
	Headland Drive Bridge	869	80	100	
North Fork Camp Creek	Duke of Gloucester St. Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
	Dogwood Drive Bridge	845	50	20	
Mimms Creek	1,000 feet upstream from confluence with Camp Creek	845	50	20	
	2,500 feet upstream from confluence with Camp Creek	845	50	20	
	Washington Road Bridge	840	150	100	
	Patrol Road Bridge	838	90	100	
	Janice Drive Bridge	838	250	280	
	Carmel Drive Bridge	838	100	170	
	West corporate limit	836	170	250	
	Interstate 285 Bridge	836	170	250	
	Washington Road Bridge	846	200	60	
	Calmer Circle	861	40	100	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: April 5, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance
Administrator.

[FR Doc. 76-11224 Filed 4-19-76; 8:45 am]

[24 CFR Part 1917]

[Docket No. FL-1062]

CITY OF HAVRE DE GRACE, HARFORD COUNTY, MARYLAND

Proposed Flood Elevation Determination

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (P.L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (P.L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Section 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of Havre de Grace, Harford County, Maryland.

Under these Acts, the Administrator, to whom the Secretary has delegated the statutory authority, must develop criteria for flood plain management in identified flood hazard areas. In order to participate in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

safety aspects of the proposal. Objections to the proposal were that it would:

1. Require extensive rework with no apparent safety/cost benefit. It is estimated that this requirement would add a minimum of \$250.00 to the retrofit cost of each car;

2. Exclude cars constructed on or after September 1, 1974, for no apparent reason;

3. Permit an opening in the head shield which would provide a "guide" for a broken rail or other sharp object to puncture the head defeating the purpose of the head shield;

4. Cause possible violation of the Federal Railroad Administration's Safety Appliance Standards which require a four-inch clearance around the rim of the hand brake wheel;

5. Require retrofitting a 3/8-inch steel pad that is continuously welded to the head of the tank. This would appear to be technically unsound and result in a reduction of safety;

6. Promulgate a rule without accident/incident experience. Commenters were unaware of any accident/incident where a hand brake, or hand brake bracket has caused a head puncture, and

7. Publish a design standard rather than a performance criteria.

In view of the foregoing, the Office of Hazardous Materials Operations (OHMO) has determined that action on the proposed amendments is not appropriate at the present time, and that Docket No. HM-109; Notice No. 75-3 should be withdrawn. The withdrawal of this proposal, however, does not preclude the OHMO from issuing similar notices in the future or commit the OHMO to any course of action.

In consideration of the foregoing, the proposal published in the FEDERAL REGISTER (40 FR 17855) on April 23, 1975, and circulated as Docket HM-109; Notice No. 75-3 is hereby withdrawn.

AUTHORITY: (18 U.S.C. 834, 49 CFR 1.53 (g)).

Issued in Washington, D.C. on April 14, 1976.

WILLIAM K. BYRD,
Deputy Director, Office of
Hazardous Materials Operations.

[FR Doc. 76-11389 Filed 4-19-76; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1015]

PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Proposed Final Guidelines

The purpose of this document is to promulgate the regulations of the Consumer Product Safety Commission under the Freedom of Information Act (5 U.S.C. 552). Proposed and interim regulations were published in the FEDERAL REGISTER of August 21, 1974 (39 FR 30298). In response to the proposed regulations, twenty-nine comments were received. These comments are available

for viewing in the Office of the Secretary.

On February 19, 1975, the "1974 Amendments" to the Freedom of Information Act became effective. The changes in these regulations required by the 1974 amendments and the corresponding statutory authority for the changes are:

1. A minor change in § 1015.2 to reflect the relettering of 5 U.S.C. section 552(a) (4) to section 552(a) (5).

2. A language change to "reasonably describe" in § 1015.3(b) to conform to 5 U.S.C. section 552(a) (3).

3. A new section 1015.5 to conform to the new time requirements of 5 U.S.C. 552(a) (6).

4. An addition to § 1015.6(b) (1) to require that the identity of the person responsible for a denial be made public. Authority for the addition: 5 U.S.C. 552(a) (6) (C).

5. A new paragraph (c) to § 1015.6 to describe the consequences of a failure to respond within the required time limit. Authority for the new paragraph: 5 U.S.C. 552(a) (6) (C).

6. New paragraphs (b), (d) and (e) to § 1015.7 to explain the appeal procedures and the rights of a requester upon appeal. Authority for the new paragraphs: 5 U.S.C. 552(a) (6) (A) and (a) (6) (C).

7. Minor changes in paragraphs (b) and (f) (1) of § 1015.9 to cover the waiver of fees and to remove any charge for deleting exempt material. Authority for the changes: 5 U.S.C. 552(a) (4) (A).

8. A new § 1015.10 to describe the annual reporting requirement of 5 U.S.C. 552(d).

9. Language changes in § 1015.16 to conform to the language changes to the exemptions of the Freedom of Information Act, 5 U.S.C. 552(b).

In addition to the changes required by the "1974 Amendments" to the Freedom of Information Act, other changes were made because they were either thought desirable in light of past experience or in response to the comments received. The changes based upon past experience are:

1. A minor change in § 1015.1(a) to make it clear that official records include only existing records.

2. An addition to § 1015.1(a) to state that a request for a record contained in a system of records subject to the requirements of the Privacy Act (5 U.S.C. 552a) will be processed under that Act.

3. Additions to § 1015.3 (a) and (b) to state what constitutes a Freedom of Information request and to state affirmatively that every reasonable effort will be made to locate records.

4. A minor change in § 1015.3(b) to clarify what is meant by the phrase "a request relating to a matter in pending litigation."

5. A transfer of § 1015.3(c) to § 1015.4(d).

6. A minor change in § 1015.9(e) to have production fees paid to the Commission.

7. Changes in the fee schedule for computer time in § 1015.9(b) to reflect current costs, and deletion of the fee

charges for microfilm and photographic reproduction and certification of copies.

8. A new § 1015.11 describing the limited exceptions to the non-disclosure of trade secrets.

9. A new § 1015.12 covering the disclosure of Commission records to Congress.

10. A new paragraph (c) to § 101.15 describing the Commission's policy on the release of draft documents.

11. A new § 1015.17 describing the procedures to follow when claiming information submitted to the Commission is confidential.

12. A new § 1015.18 describing the Commission's handling of requests for exemption from disclosure.

13. A change in § 1015.29(a) to clarify the language of this subsection and to provide that the Commission will attempt to obtain a written consent to release of the identity of an accident victim.

The following changes were made in response to comments received:

1. An amendment to § 1015.1(b) and § 1015.15(b) to incorporate section 6(a) (2) of the Consumer Product Safety Act prohibiting the disclosure of trade secrets.

2. A minor change in § 1015.1(c) to refer to the more recent Attorney General's Memorandum on the Freedom of Information Act.

3. An amendment to § 1015.6(a) to explicitly provide for the inspection of records at regional offices of the Commission.

Replies to the comments are arranged below by sections of the proposed Freedom of Information regulations with which they dealt. General comments not pertaining to one particular section have been placed at the end. Comments concerning matters expressly covered by the "1974 Amendments" have not been included. In addition to the comments on the Freedom of Information regulations, a number of commenters also submitted their views about the recordkeeping regulations published on September 3, 1974 (39 FR 31916). These comments are not included but will be addressed separately when the recordkeeping regulations are published in final form.

The issues raised by the comments and the Commission's conclusions thereon are as follows:

1. One commenter did not believe that the Commission should extend section 25(c) (1) of the Consumer Product Safety Act (CPSA), as stated in the preamble to the regulations, to cover accident reports that were compiled under the authority of acts transferred to the Commission by section 30 of the CPSA. In addition, the same commenter criticized the provision in the preamble which includes among our records all material obtained from other agencies under transferred acts, because different policies regarding disclosure might be applied by the Commission than by the agency from which the records were transferred.

The Commission regards section 5(a) (1) of the CPSA as its basic authority to

investigate accidents regardless of the act under which the product is regulated. Thus, all injury reports are treated as being prepared under the CPSA. In addition, at the time an investigation is made and often when a request for an investigation report is received, it is uncertain under which act the report was prepared. With respect to the second comment, under section 30(e)(1)(A) of CPSA, all records transferred under other acts now administered by the Commission are considered Commission records and subject to the Commission's Freedom of Information Act regulations.

2. Some commenters suggested that the definition of the term "records" in § 1015.1(a) be amended to include only those documents which are related to effectuating the purposes of the Consumer Product Safety Act. This presumably would not cover unverified consumer complaints which would then not be disclosable. Another commenter took the position that the term "records" should include only documents generated by the Commission and not records submitted to the Commission by outside parties. Finally, the comment was made that these regulations should not be applied retroactively to records already in the possession of the Commission or to records obtained under transferred acts.

The Commission cannot accept these suggestions. The Freedom of Information Act covers all documents in possession of the Commission whether generated by the Commission or outside parties. See, 5 U.S.C. 552 (a) (3) and (c).

3. A large number of comments criticized the Commission's policy of disclosure contained in §§ 1015.1(b) and 1015.15(b), namely, that exempt records will be disclosed when not prohibited by law or against the public interest. The comments expressed concern about the release of trade secrets and confidential commercial or financial information. A number of commenters pointed out that sections 6(a)(1) and (2) of the Consumer Product Safety Act prohibits the release of trade secrets and confidential information.

The Commission believes that the concern expressed about the release of trade secrets and confidential commercial or financial information can be ameliorated by amending §§ 1015.1(b) and 1015.15(b) to include a statement that section 6(a)(2) of the Consumer Product Safety Act prohibits the disclosure of trade secrets or other matters referred to in 18 U.S.C. 1905. The practice of the Commission has been to honor valid claims of confidentiality for trade secrets and other business data.

It should be pointed out that the Commission will continue to follow its "openness" policy in deciding whether to invoke applicable exemptions which are designed primarily to protect Government interests. These exemptions are the inter-, intra-agency memorandum exemption, 5 U.S.C. 552(b)(5), and the investigatory file exemption, 5 U.S.C. 552(b)(7).

4. Some commenters suggested amending §§ 1015.1(b) and 1015.3 to prohibit

any person who obtains information from the Commission from using it against the submitter of the data in a lawsuit or other legal proceeding.

The Commission cannot adopt this suggestion. The Commission cannot legally under the Freedom of Information Act place restrictions on the use made of information disclosed by the Commission. (See, *Robles v. Environmental Protection Agency*, 484 F.2d 843 (4th Cir. 1973).) Regulations governing the procedure for obtaining Commission records for use in private litigation appear at 16 CFR 1016 (41 FR 12300, March 25, 1976).

5. One commenter thought that § 1015.1(c) should be amended to delete reference to the Attorney General's Memorandum of 1967 because it is no longer a reliable source of information to interpret Freedom of Information exemptions.

Section 1015.1(c) has been changed to refer to the Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act.

6. One commenter suggested that § 1015.3(a) be amended to require a person who requests a record to state his reason for the request and the purpose to which he intends to put the information requested.

The Commission cannot accept this suggestion. It is a violation of the Freedom of Information Act to require a person to state his reason for making a request and the use he will make of the information. (*Robles v. Environmental Protection Agency*, 484 F.2d 843, 847 (4th Cir. 1973).) The only instances when the Commission can legally consider why a person wants information and the use to be made of the information are when an individual's personal privacy is involved under 5 U.S.C. 552(b)(6) or 5 U.S.C. (b)(7)(C) or when there is a request for a waiver or reduction of the fee for producing records.

7. One commenter felt that § 1015.3(b) required a requester to identify records by date, title and file designations and that if the requester was unable to do so his request would be denied.

The practice of the Commission is to assist a requester in the identification and location of records. Section 1015.3(b) has been amended to expressly state this Commission practice. If a requester has specific information that would assist in the location of records, he/she should include the information in a request for records.

8. One commenter believed that the Commissioners rather than the Secretary or his/her delegate should have the responsibility in § 1015.4 to respond to requests for records.

It is not possible for the Commissioners personally to respond to all requests for records, especially in light of the 10-day time limit for responding to requests.

9. One commenter suggested that § 1015.6(a) be amended to provide for the inspection of records at regional offices of the Commission.

The Commission's procedure for making records available for inspection and copying has worked well in the past. In the usual case, copies of requested records are sent to the requester at no cost because the \$25.00 limit in § 1015.9(c) is not exceeded. If a requester desires to inspect records at one of the regional offices of the Commission, the Secretary in his/her discretion will ordinarily make the records available at the requested regional office. Section 1015.6(a) has been amended to explicitly provide for inspection of records at regional offices of the Commission.

10. One commenter thought that §§ 1015.7 and 1015.8 should be amended to notify the submitter of information of any appeal or later litigation involving information submitted to him.

There is no need for a submitter of information to be informed of an administrative appeal. If the Commission's decision on appeal is adverse to the submitter, he or she will be so notified. In such a case, the submitter is given 10 calendar days from receipt of the notice in accordance with § 1015.18(b) to seek judicial relief. If litigation arises as a result of a Commission decision to withhold data, the submitter will be notified and requested to participate in the defense of the lawsuit as provided for in § 1015.17(d).

11. A comment from one division of the Commission staff suggested that § 1015.7 be amended to provide that if a duplication fee for reproduction of records exceeds \$25.00, the entire fee should be charged rather than the present system of waiving the first \$25.00 and only charging for the amount in excess of \$25.00.

The Commission has decided to maintain its present fee structure of waiving the first \$25.00 of reproduction costs and charging only for the costs incurred in excess of \$25.00. This permits greater access to Commission records by low-income consumers and low-budget consumer organizations.

12. One commenter believed that the waiver of the first \$25.00 in duplication charges as provided for in § 1015.9 should be raised if the \$25.00 fee is frequently exceeded. The same commenter thought that a requester should be notified in advance of any fee that might be charged.

The experience of the Commission is that relatively few duplication charges exceed the sum of \$25.00. The \$25.00 fee waiver appears to be reasonable and is being retained. If a request for records would result in a large fee being levied, the practice of the Commission is to notify requesters and ask if they wish to proceed with their request or if they wish to amend their request.

13. One commenter suggested that § 1015.16 be amended to provide an exemption from disclosure for a section 15(b) notification of a substantial product hazard prior to a Commission determination that a substantial hazard exists. The same commenter also suggested that if the Commission finds that no substantial hazard exists, the Commission's report should be withheld because the re-

port could be misunderstood or misinterpreted and the report might disclose trade secrets.

Section 1015.16 is simply a reiteration of the Freedom of Information Act exemptions. Because the Freedom of Information Act does not provide an exemption for section 15(b) notifications, this information is disclosed. Section 15(b) notifications are routinely made available to the public after the deletion of any information that qualifies for trade secret exemption and after the notifications have been stamped to designate the unverified nature of the contents.

14. One commenter suggested amending § 1015.16(d) to provide definitions for the terms "trade secret" and "privileged or confidential commercial or financial information."

The Commission considered this suggestion and concluded that it would be advisable not to attempt all inclusive definitions for the terms "trade secret" and "privileged or confidential commercial or financial information" because the case law interpreting these terms changes rapidly, especially in the area of confidential information. A definition of "trade secret" which can be consulted for general guidance appears in the legislative history of the Consumer Product Safety Act (H. Rept. No. 92-1153, 92d Cong. 2d Sess. at 21).

15. One commenter suggested that the Commission supply a requester with an itemization and index of confidential data. Another commenter criticized the Commission's practice contained in § 1015.17(a) of providing a requester with a list of information that has been claimed to be exempt from disclosure because this practice might compromise the confidentiality of the material claimed to be exempt.

The practice of the Commission is to provide a requester with a brief description of any material that is found to be confidential. Such a description does not compromise the confidential nature of the material but does permit the requester to know what type of material has been found to be confidential. This practice of the Commission is incorporated into a new § 1015.18(a). The practice of supplying a requester with a brief description of material found to be exempt from disclosure is required by *Vaughn v. Rosen*, 484 F.2d 820 (2d Cir. 1973) cert. denied 415 U.S. 97 (1974).

16. Two commenters suggested that § 1015.17(b) be amended to require that a decision be made whether or not to honor a claim for confidentiality within a reasonable period of time after submission of the claim rather than at the time a request for a document is received. The commenters believed that the adoption of such a procedure would result in an equitable system of disclosing similar data and that the public would benefit from such a procedure.

The Commission has considered this suggestion but has decided that the implementation of such a procedure would unduly burden the limited manpower and resources available. The adoption of such a procedure might well result in the proc-

essing of a voluminous amount of material in which the public has little or no interest. For this reason and because the law in the area of Freedom of Information is rapidly evolving, it is thought advisable to make decisions on claims for confidentiality only when a request for a document is received.

17. A number of comments have been received about the 10-day notice period contained in § 1015.17 (now § 1015.18 (b)) for informing a submitter of information that material claimed by him or her to be confidential will be released. The commenters believed that the 10-day notice period should be extended to 30 days as provided for in section 6(b) (1) of the CPSA. Another commenter thought that section 6(b) (1) which requires that the Commission determine that information released is fair and accurate should be applied to the release of Commission accident reports and research reports under section 25(c) of the CPSA.

The 30-day notice period in section 6 (b) (1) is not considered applicable to Freedom of Information requests. The 30-day notice period is applicable only when the Commission affirmatively releases information to the public. An example of when section 6(b) (1) would be applicable is when the Commission issues a press release about a manufacturer's product. The Commission's interpretation of section 6(b) (1) is currently the subject of litigation.

18. One commenter thought that the ten-day notice period in § 1015.17(c) was not clear.

The ten-day notice requirement now contained in § 1015.18(b) refers to calendar days.

19. Some commenters were critical of section 1015.20 which provides for the disclosure of accident or investigation reports under section 25(c) (1) of the CPSA. The commenters believed that § 1015.20 which covers reports prepared by "agents" of the Commission was an unlawful extension of section 25(c) (1) which is limited to reports prepared by an officer or employee of the Commission. Other commenters believed that § 1015.20 should be amended to provide that accident reports prepared by manufacturers were not covered because of the potential adverse publicity involved and because some complaints may be completely unfounded. Finally, some comments expressed concern about the release of trade secrets or other confidential material contained in reports.

The Commission believes that section 25(c) (1) should be interpreted liberally so that accident reports, whether they are prepared by employees of the Commission or by agents of the Commission, are accorded equal treatment. Because of limited manpower, the Commission often contracts with state or local government units to assist the Commission in the investigation of accidents. This type of cooperation between the states and the Commission is expressly provided for in section 29(a) of the CPSA. To accord different treatment to accident reports prepared by a state em-

ployee under contract to the Commission would not foster the purpose of section 25(c), namely, to release accident information but preserve the identity of the victim and the treating physician.

Reports on accidents prepared by manufacturers are subject to disclosure under the Freedom of Information Act. However, when the release of the victim's identity would result in an invasion of privacy, the identity of the victim is not disclosed. If an accident report contains trade secret or other confidential data, the Commission deletes this information before releasing the report to the public.

This decision of the Commission to release a manufacturer's accident reports is now the subject of litigation.

20. One commenter suggested that the regulations be amended to provide a procedure for compensation if confidential information is released by the Commission.

The Commission does not believe it is necessary or legally permissible to include a provision for payment of compensation if confidential information is released by the Commission. The practice of the Commission has been to notify an individual or a company, prior to disclosure, of its decision to release material claimed to be confidential. The individual or company is given 10 days to seek judicial relief if he or she believes the Commission has erred. Refer to § 1015.18 (b) of the regulations.

21. Some commenters stated that the exemptions from disclosure contained in subsection (b) of the Freedom of Information Act are mandatory and that the regulations should be revised to reflect this fact.

The Freedom of Information Act exemptions from disclosure are discretionary, not mandatory. One has to look at other statutes to determine if disclosure is prohibited. (*Charles River Park "A" Inc. v. Department of Housing and Urban Development*, 519 F.2d 935, 941 (D.C. Cir. 1975).)

22. One commenter stated that the regulations should be amended to provide that trade secrets and confidential information should not be available to Commission contractors and offerors.

The Commission cannot accept this comment. The Commission is legally authorized, as are other government agencies, to disclose trade secrets and other confidential information to its consultants and contractors. See, § 1015.11 of the regulations. Section 7 offerors are ordinarily not provided with data claimed to be confidential because of the public nature of the development process. If information claimed to be confidential is needed in the development of a safety standard, adequate measures will be taken to insure its confidentiality.

24. One commenter suggested that information submitted to the Commission pursuant to our recordkeeping requirements should not be disclosed to the public without first giving notice to the person submitting the information even though that person did not accompany

his submission with a request that the material be kept confidential.

New § 1015.17 explicitly requires that the person submitting information accompany his or her submission with a request for confidential treatment. The failure to do so is considered an acknowledgment that the submitter does not wish to claim confidential treatment. In addition, the Commission believes that the treatment of consumer complaints submitted pursuant to our proposed record-keeping requirements would best be considered at the time the final record-keeping requirements are considered by the Commission.

25. One commenter suggested that the regulations be revised to require a person submitting information to prepare a detailed justification for claiming confidentiality and that the failure to do so would result in the information being disclosed. The same commenter also suggested that the submitter be required to index and itemize the material claimed to be confidential and that the Commission's public reference room should maintain a file on claims of confidentiality.

With some modifications, two of the above suggestions were adopted by the Commission. The new § 1015.17 requires a person claiming confidentiality to give specific facts about his or her claim. This new requirement was added because the Commission has received a significant number of claims for confidentiality that merely contained general vague reasons for asserting the claim and failed to indicate specifically what material was claimed to be confidential. The failure to indicate specifically what material was claimed to be confidential was especially troublesome when a large amount of material was involved. In those instances, the Commission attempted on its own to determine what data were being claimed confidential. The Commission's experience with the new requirement of specificity has indicated that it is working well.

The suggestion that an index of claims for confidentiality be established in the Commission's public reference room was rejected because of the manpower and expense involved. However, whenever the Commission decides that data is confidential, the requester, in accordance with § 1015.18(a), is provided with a description or index of the confidential data.

26. One commenter believed that a more limited disclosure policy should be adopted for information voluntarily submitted to the Commission and that information voluntarily submitted should be permitted to be withdrawn if the Commission finds that it is disclosable.

The Commission is legally required to treat all commercial information received from outside sources, whether voluntarily submitted or submitted pursuant to a subpoena or order, on the same basis. See, *National Parks and Conservation Association v. Morton*, 498 F. 2d 765, 770 (D.C. Cir. 1974). The Commission expressly stated in new § 1015.18(b) that information submitted to the Com-

mission will not be returned to the submitter because the return of information would circumvent the intent of the Freedom of Information Act.

27. One commenter suggested that the regulations be amended to provide for the automatic release of the majority of information submitted in accordance with 16 CFR 1115.7(a) for reporting a substantial product hazard. Specifically, that all information in the following categories of 16 CFR 1115.7(a) be disclosed: (1), (2), (3), (4), (6), (7), (8), (9), (12), (13), (14), (15), (19), (20), (21), and (22). These categories cover such items as: name of product, manufacturer, nature of the suspected hazard or potential hazard, the number of units involved and efforts being made by the person reporting to correct the problem.

The Commission does not believe there is a need to state categorically the certain types of information in a given situation, such as reporting a substantial product hazard, are automatically disclosable. Although ordinarily the categories of information described above would be subject to disclosure, an unusual situation may arise where a person could validly claim confidentiality for such information.

28. Finally, a number of commenters criticized the failure of the Commission to provide the right of appeal to a submitter of information whose claim of confidentiality is denied by the Secretary.

This comment was given very serious consideration. The arguments in favor of allowing an appeal are: (a) it would afford equal treatment to the submitter of information since a requester is allowed an appeal and (b) it would afford the Commissioners an opportunity to decide novel policy issues that otherwise might not be decided by them.

The principal argument against an appeal is that it would violate the intent of the Freedom of Information Act amendments requiring that a decision be made on a request for documents within 10 working days and that actual disclosure be made promptly thereafter. A limited review of other federal agencies' regulations disclosed only one instance where a submitter of data was allowed an appeal. This is in the Office of the Federal Contract Compliance, Department of Labor. Refer, 41 CFR S. 60-60.4 (d). The real disadvantage in allowing an appeal is that it may be used to thwart prompt disclosure when there is really no policy or legal issue involved.

On balance, it appears to be better not to allow an appeal by a submitter of information. In those rare instances when a novel policy issue is involved, the matter can be referred at the discretion of the Secretary directly to the Commissioners for final decision. This has been done in a few cases without any prejudice to the rights of the submitter of information or the requester.

The Commission solicits comments by May 20, 1976 on the new sections of the final regulations proposed below. In submitting any comments, your attention is directed to three new sections of the proposed final regulations: (1) section

1015.17 requiring the submission of claims of confidentiality in a prescribed format at the time information is submitted to the Commission. The penalty for failure to do so is forfeiture of the claim; (2) section 1015.15(c) which calls for the release of draft documents by the Commission; and (3) section 1015.11 which deals with the disclosure of trade secrets to consultants and contractors. Comments and any accompanying material or data should be submitted addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

After consideration of any comments received, the Commission intends to publish these regulations as final 30 days after the comment period ends. In the interim before final regulations are published, the Commission will be bound by its interim regulations published at 39 FR 30298 (August 21, 1974) as well as by the sections of these regulations which are mandated by the 1974 Amendments to the Freedom of Information Act and which the Commission has been following in practice.

The Commission has considered the request for a hearing on the regulations but concludes that written comments should provide adequate public participation.

Accordingly, under provisions of the Consumer Product Safety Act (86 Stat. 1207; 15 U.S.C. 2051), the Federal Hazardous Substances Act (74 Stat. 372 as amended; 15 U.S.C. 2161), the Poison Prevention Packaging Act of 1970 (84 Stat. 1070; 15 U.S.C. 1471); the Refrigerator Safety Act (70 Stat. 953; 15 U.S.C. 1211), the Flammable Fabrics Act (67 Stat. 11 as amended; 15 U.S.C. 1191), and the Public Information Act (Freedom of Information Act as amended) 5 U.S.C. 552, the Commission proposes to add a new Part 1015 to Title 16, Chapter II, Subchapter A, as follows:

PART 1015—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

- 1015.1 Purpose and scope.
- 1015.2 Public reference facilities.
- 1015.3 Requests for records and copies.
- 1015.4 Responses to requests for records; responsibility.
- 1015.5 Time limitations on responses to requests for records.
- 1015.6 Responses: form and content.
- 1015.7 Appeals to the Commissioners from initial denials; reconsideration by the Secretary.
- 1015.8 Requests received during the course of administrative hearings.
- 1015.9 Fees for production of records.
- 1015.10 Commission report of actions to Congress.
- 1015.11 Disclosure of trade secrets to consultants and contractors; non-disclosure to advisory committees and other Government agencies.
- 1015.12 Disclosure to Congress.

Subpart B—Exemptions from Production and Disclosure under 5 U.S.C. 552(b)

- Sec.
1015.15 Purpose and scope.
1015.16 Exemptions (5 U.S.C. 552(b)).
1015.17 Information submitted to the Commission; request for treatment as exempt material.
1015.18 Decisions on requests for exemption from disclosure under 5 U.S.C. 552 (b) (4).

Subpart C—Disclosure of Commission Accident or Investigation Reports Under 15 U.S.C. 2074(c)

- 1015.20 Public availability of accident or investigation reports.

AUTHORITY: 88 Stat. 1207; (15 U.S.C. 2051), 74 Stat. 372 as amended; (15 U.S.C. 1261), 84 Stat. 1670; (15 U.S.C. 1471), 70 Stat. 953; (15 U.S.C. 1211), 68 Stat. 11 as amended; (15 U.S.C. 1191), 81 Stat. 54 as amended (5 U.S.C. 552).

Subpart A—Production or Disclosure Under 5 U.S.C. 552(a)

§ 1015.1 Purpose and scope.

(a) The regulations of this subpart provide information concerning the procedures by which Consumer Product Safety Commission records may be made available for inspection and the procedures for obtaining copies of records from the Consumer Product Safety Commission. Official records of the Consumer Product Safety Commission consist of all documentary material maintained by the Commission in connection with its responsibilities and functions under the Consumer Product Safety Act. Commission records include records transferred to the Commission under the Federal Hazardous Substances Act, Poison Prevention Packaging Act of 1970, Refrigerator Safety Act, and Flammable Fabrics Act, as well as records maintained under any other authorized activity. Official records do not, however, include objects or articles such as tangible exhibits, samples, models, equipment, or other items of valuable property; books, magazines, or other reference material; or documents routinely distributed by the Commission in the normal course of business such as copies of FEDERAL REGISTER notices, pamphlets, and laws. Official records include only existing records. Official records of the Commission made available under the requirements of the Freedom of Information Act (5 U.S.C. 552) shall be furnished to the public as prescribed by this Part 1015. A request for records that are contained in the Commission's system of records under the Privacy Act (5 U.S.C. 552a) will be considered a request for records under the Privacy Act and not under the Freedom of Information Act. Documents routinely distributed to the public in the normal course of business will continue to be furnished to the public by employees of the Commission informally and without compliance with the procedures prescribed herein.

(b) The Commission's policy with respect to requests for records is that disclosure is the rule and withholding is the exception. All records not exempt from disclosure will be made available. Moreover, records which may be exempted from disclosure will be made

available as a matter of discretion when disclosure is not prohibited by law, or is not against the public interest. Section 6(a) (2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a) (2), prohibits the disclosure of trade secrets or other matters referred to in 18 U.S.C. 1905.

(c) The Attorney General's Memorandum on the 1974 Amendments to the Freedom of Information Act published in February, 1975 is available from the Superintendent of Documents and may be consulted in considering questions arising under the Freedom of Information Act.

§ 1015.2 Public reference facilities

The Consumer Product Safety Commission will maintain in a public reference room or area the materials relating to the Consumer Product Safety Commission which are required by 5 U.S.C. 552(a) (2) and 552(a) (5) to be made available for public inspection and copying. The principal location will be in the Office of the Secretary. The address of this office is:

Office of the Secretary, Consumer Product Safety Commission, 1750 K Street, N.W., Room 825, Washington, D.C. 20207.

This public reference facility will maintain and make available for public inspection any copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a) (2). For the purpose of providing the opportunity for greater public access to records of the Consumer Product Safety Commission, the Commission may establish additional public reference facilities. Each such additional reference facility will also maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a) (2).

§ 1015.3 Requests for records and copies.

(a) A request for access to records of the Commission shall be in writing addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Any written request for records covered by this part shall be deemed to be a request for records pursuant to the Freedom of Information Act, whether or not the Freedom of Information Act is mentioned in the request. An oral request for records will not be considered a request for records pursuant to the Freedom of Information Act. Responses to oral requests for records shall be made as promptly as resources and time restraints permit.

(b) A request for access to records must reasonably describe the records requested. Where possible, specific information regarding dates, title, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, where the Commission is a party, the court and its location should be identified. Where the information supplied by the requester is not sufficient to permit identification and location of the

records by Commission personnel without an unreasonable amount of effort, the requester will be contacted and asked to supply the necessary information. Every reasonable effort shall be made by Commission personnel to assist in the identification and location of requested records.

(c) If it is determined that a request would unduly burden or interfere with the operations of the Commission, the response shall so state and shall extend to the requester an opportunity to confer with appropriate Commission personnel in an attempt to reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(d) If a requested record cannot be located from the information supplied, or is known to have been destroyed or otherwise disposed of, the requester shall be so notified by the Secretary or delegate of the Secretary.

§ 1015.4 Responses to requests for records; responsibility.

The ultimate responsibility for responding to requests for records is vested in the Secretary of the Consumer Product Safety Commission. The Secretary or delegate of the Secretary may respond directly or forward the request to any other office of the Commission for response.

§ 1015.5 Time limitations on responses to requests for records.

(a) The Secretary or delegate of the Secretary shall respond to all written requests for records within ten (10) working days (excluding Saturdays, Sundays, and legal public holidays). The time limitations on responses to requests for records shall begin to run as of the time a request for records is received by the Office of the Secretary and a date stamp notation placed directly on the request.

(b) The time for responding to requests for records may be extended by the Secretary at the initial stage or by the Chairman of the Commission at the appellate stage up to an additional ten (10) working days under the following unusual circumstances:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the Office of the Secretary.

(2) The need to search for, collect and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the Commission staff having substantial subject matter interest therein.

(c) Any extension of time must be accompanied by written notice to the person making the request setting forth the reason(s) for such extension and the time within which a response is expected to be made.

§ 1015.6 Responses: form and content.

(a) When a requested record has been identified and is available for disclosure, the requester shall either be supplied with a copy or notified as to where and when the record will be made available for inspection. If a requester desires to inspect records at one of the regional offices of the Commission, the Secretary will ordinarily make the records available at the requested regional office. If the payment of fees is required the requester shall be advised by the Secretary in writing of any applicable fees under § 1015.9.

(b) A response denying a written request for a record shall be in writing signed by the Secretary or delegate of the Secretary and shall include:

(1) The identity of each person responsible for the denial.

(2) A reference to the specific exemption or exemptions under the Freedom of Information Act authorizing the withholding of the record with a brief explanation of how the exemption applies to the record withheld; and

(3) A statement that the denial may be appealed to the Commissioners of the Consumer Product Safety Commission. Any such appeal must be made within 30 calendar days of receipt of the denial by the requester.

(c) If no response is made within ten (10) working days or any extension thereof, the requester can consider his/her administrative remedies exhausted and seek judicial relief in a United States District Court as specified in 5 U.S.C. 552(a)(4)(B). When it appears that no response can be made to the requester within the applicable time limit, the Secretary or delegate of the Secretary may ask the requester to forego judicial relief until a response can be made. The Secretary or delegate of the Secretary shall inform the requester of the reason for the delay; of the date on which a response may be expected and of his/her right to seek judicial review as specified in 5 U.S.C. 552(a)(4)(b).

§ 1015.7 Appeals to the Commissioners from initial denials; reconsideration by the Secretary.

(a) When the Secretary or delegate of the Secretary has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Commissioners of the Consumer Product Safety Commission by writing to the Consumer Product Safety Commission, attention of the Chairman, Washington, D.C. 20207.

(b) The Commissioners, or the Secretary upon reconsideration, will act upon an appeal within 20 working days of its receipt. The time limitations on an appeal begin to run as of the time an appeal is received by the Office of the Chairman and date stamped. Upon receipt of an appeal, the staff shall prepare a briefing package for the Commissioners setting forth the reasons for either disclosing or withholding the records. The briefing package shall be submitted to

the Commissioners through the Secretary.

(c) After reviewing the staff's briefing package to the Commissioners, the Secretary will reconsider his/her initial denial. If the Secretary upon reconsideration decides to release any or all of the information requested on appeal, an appeal as to the information released will be considered moot, and the Secretary will so inform the requester and submitter of the information in accordance with §§ 1015.6(a) and 1015.18(b). If the Commissioners for a decision on the denial in whole or in part, the staff's briefing package will be forwarded to the Commissioners for a decision on the denial within the 20 day time limit or any extension thereof in accordance with § 1015.5.

(d) The Commissioners' action on appeal shall be in writing, signed by the Chairman of the Commission if the appeal is denied and shall identify the Commissioners who voted for a denial. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld, and the reasons for asserting it. A denial in whole or in part shall also inform the requester of his/her right to seek judicial review of the Commission's final determination in a United States District Court, as specified in 5 U.S.C. 552(a)(4)(B).

(e) If no response is made to the requester within 20 working days or any extension thereof, the requester can consider his/her administrative remedies exhausted and seek judicial relief in a United States District Court as specified in 5 U.S.C. 552(a)(4)(B). When no response can be made within the applicable time limit, the Chairman or delegate of the Chairman may ask the requester to forego judicial review until a response can be made. The Chairman or the Chairman's delegate shall inform the requester of the reason for the delay, of the date on which a response may be expected, and of the requester's right to seek judicial review as specified in 5 U.S.C. 552(a)(4)(B).

(f) Copies of all appeals and copies of all actions on appeal shall be furnished to and maintained in a public file by the Secretary.

§ 1015.8 Requests received during the course of administrative hearings.

Requests received during the course of an administrative hearing for the disclosure or production of Consumer Product Safety Commission records may be granted or denied by the Presiding Officer of that hearing. The decision of the Presiding Officer regarding such a request may be appealed to the Commissioners in accordance with the procedures contained in sec. 1015.7. If the rules of practice governing the conduct of the hearing at which a request for Commission records is made contain conflicting procedures for the disclosure or production of Commission records,

such procedures shall take precedence over the procedures contained in this Part 1015.

§ 1015.9 Fees for production of records.

(a) Fees shall be charged in accordance with the schedule contained in paragraph (f) of this section for services rendered in responding to requests for Consumer Product Safety Commission records under this subpart; however certain information provided routinely in the normal course of doing business will be provided at no charge.

(b) Fees may be determined and levied only by the Secretary or delegate of the Secretary. The Secretary may waive or reduce fees beyond the waiver provisions of subsection (c) when the furnishing of the information can be considered as primarily benefiting the general public or when special circumstances warrant. The Secretary's determination may be appealed to the Commissioners in the same manner as appeals from denials under § 1015.7.

(c) There shall be no fee charged for services rendered in connection with the production or disclosure of records unless the charges, calculated according to the schedule contained in paragraph (f) of this section, exceed the sum of \$25.00. Where the charges are calculated to be an amount in excess of \$25.00, the fee charged shall be the difference between \$25.00 and the calculated charges.

(d) No fee shall be levied where the records requested are not provided or made available.

(e) The payment of fees should be made by check or money order payable to the Consumer Product Safety Commission.

(f) The schedule of charges for services regarding the production or disclosure of Consumer Product Safety Commission records is as follows:

- (1) Search for records and information (calculated from the time when the person making the search obtains the relevant files and begins the actual search) \$1.50 per one-quarter hour.
- (2) Computer time:

Central processing	Charge
Unit	\$6 per minute.
Card reader	\$1 per 1,000 cards.
Card punching	\$3 per 1,000 cards.
Printer	\$0.90 per 1,000 lines.
Tape or disk	\$0.40 per 1,000 number of reads or line.
Minimum charge	\$1.50.

Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552.

(3) Reproduction, duplication, or copying of records: 10 cents for each page.

(4) Postage: Actual cost.

§ 1015.10 Commission report of actions to Congress.

On or before March 1 of each calendar year, the Commission shall submit

a report of its activities with regard to freedom of information requests during the preceding calendar year to the Speaker of the House of Representatives and to the President of the Senate. This report shall include:

(a) The number of determinations made by the Commission not to comply with requests for records made to the Commission under the provisions of this part and the reasons for each such determination.

(b) The number of appeals made by persons under such provisions, the result of such appeals, and the reason for the action upon each appeal that results in a denial of information.

(c) The names and titles or positions of each person responsible for the denial of records requested under the provisions of this part and the number of instances of participation for each.

(d) The results of each proceeding conducted pursuant to subsection (a) (4) (f) of the FOIA, as amended November 21, 1974, including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

(e) A copy of every rule made by the Commission implementing the provisions of the FOIA, as amended November 21, 1974.

(f) A copy of the fee schedule and the total amount of fees collected by the agency for making records available under this section.

(g) Such other information as indicates efforts to administer fully the provisions of the FOIA, as amended.

§ 1015.11 Disclosure of trade secrets to consultants and contractors; non-disclosure to advisory committees and other government agencies.

(a) In accordance with section 6(a) (2) of the CPSA, the Commission may disclose information which it has determined to be a trade secret under 5 U.S.C. 552(b) (4) to Commission consultants and contractors for use only in their work for the Commission. Such persons are subject to the same restrictions with respect to disclosure of such information as any Commission employee.

(b) In accordance with section 6(a) (2) of the CPSA, the Commission is prohibited from disclosing information which it has determined to be a trade secret under 5 U.S.C. 552(b) (4) to advisory committees, except when required in the official conduct of their business, or to other Federal agencies and state and local governments.

§ 1015.12 Disclosure to Congress.

(a) All records of the Commission shall be disclosed to Congress upon a request made by the chairman of a committee or subcommittee of Congress acting pursuant to committee business and having jurisdiction over matter about which information is requested.

(b) An individual member of Congress who requests a record for his or her personal use or on behalf of any

constituent shall be subject to the same rules that apply to members of the general public.

Subpart B—Exemptions From Production and Disclosure Under 5 U.S.C. 552(b)

§ 1015.15 Purpose and scope.

(a) The regulations of this subpart provide information concerning the types of records which may be withheld from production and disclosure by the Consumer Product Safety Commission. These regulations also provide information on the method whereby persons submitting information to the Commission may request that the information be considered exempt from disclosure, and information concerning the Commission's treatment of documents submitted with a request that they be treated as exempt from disclosure.

(b) No identifiable record requested in accordance with the procedures contained in this part shall be withheld from disclosure unless it falls within one of the classes of records exempt under 5 U.S.C. 552(b). To the extent permitted by law, the Commission will make available records authorized to be withheld under 5 U.S.C. 552(b) whenever the Commission determines that disclosure is not against the public interest. Section 6(a) (2) of the Consumer Product Safety Act, 15 U.S.C. 2055(a) (2), prohibits the disclosure of trade secrets or other matters referred to in 18 U.S.C. 1905.

(c) In keeping with its openness policy, the Commission will generally release drafts of its internal documents upon request even though these drafts would ordinarily be exempt from disclosure under 5 U.S.C. 552(b) (5). A draft of an internal document generally means any preliminary or incomplete version of a proposed or final rulemaking notice, a statement of interpretation or policy or a report or analysis. In order to avoid any misunderstanding of the preliminary nature of a draft document, the Commission will release a prepared statement with the draft describing its tentative nature. The Commission will also release upon request documents or briefing packages which have been completed by the staff but not approved by the Commission. These documents will be marked to indicate that they have not been approved by the Commission and will be publicly available when forwarded by the Secretary's Office to the Commissioners.

(d) The exemptions contained in § 1015.16 are as contained in 5 U.S.C. 552(b). These exemptions will be interpreted in accordance with the applicable law at the time a request for production or disclosure is considered.

§ 1015.16 Exemptions (5 U.S.C. 552(b)).

(a) Records specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

(b) Records related solely to the internal personnel rules and practices of the Commission.

(c) Records specifically exempted from disclosure by statute.

(d) Trade secrets and commercial or financial information obtained from a person and privileged or confidential.

(e) Inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would (i) interfere with enforcement proceedings, (ii) deprive a person of a right to a fair trial or an impartial adjudication, (iii) constitute an unwarranted invasion of personal privacy, (iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, confidential information furnished only by the confidential source, (v) disclose investigative techniques and procedures, or (vi) endanger the life or physical safety of law enforcement personnel.

(h) Records contained in or related to examinations, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions.

(i) Records of geological and geophysical information and data, including maps, concerning wells.

§ 1015.17 Information submitted to the Commission; requests for treatment as exempt material.

(a) A person who is submitting information to the Commission, after being notified by the Commission of his/her opportunity to request confidential treatment for information, must accompany the submission with a request that the information be considered exempt from disclosure or indicate that a request will be submitted within 10 working days of the submission. The failure to make a request within the prescribed time limit will be considered an acknowledgement that the submitter does not wish to claim exempt status.

(b) A person who has previously submitted information to the Commission that is now the subject of a Freedom of Information request, after being notified by the Commission of his/her opportunity to request confidential treatment for the information, must submit a request that the information be considered exempt from disclosure within 5 working days from receipt of notification. The failure to make a request within the prescribed time limit will be considered an acknowledgement that the submitter does not wish to claim exempt status.

(c) Each request for exemption from disclosure under 5 U.S.C. 552(b) (4) as a trade secret or privileged or confidential commercial or financial information must:

(1) Specifically identify the exact portion(s) of the document claimed to be confidential;

(2) State whether the information claimed to be confidential has ever been released in any manner to a person who was not an employee or in a confidential relationship with the company;

(3) State whether the information so specified is commonly known within the industry or is readily ascertainable by outside persons with a minimum of time and effort;

(4) State how release of the information so specified would be likely to cause substantial harm to the company's competitive position; and

(5) State whether the submitter is authorized to make claims of confidentiality on behalf of the person or organization concerned.

(d) Material received with a request that it be considered exempt shall not be maintained in a public file. If, in complying with a request for the disclosure of records, it is determined that some or all of the material relative to the request has been claimed to be exempt from disclosure, the requester will be supplied with a list of this material and informed that those portions found not to be exempt will be made available as soon as possible.

(e) No request for exemption from disclosure under 5 U.S.C. 552(b) (4) should be made by any person who does not intend in good faith to assist the Commission in the defense of any judicial proceeding that might thereafter be brought to compel the disclosure of information which the Commission has determined to be a trade secret or privileged or confidential commercial or financial information.

§ 1015.18 Decisions on requests for exemption from disclosure under 5 U.S.C. 552(b) (4).

(a) The Commission generally will not decide whether material received with a request for exemption from disclosure under 5 U.S.C. 552(b) (4) is entitled to be withheld until a request for production or disclosure is made for that information. The determination will be based on the most authoritative judicial interpretations available at the time a request for disclosure or production is considered. Any reasonably segregable portion of a record will be disclosed to any person requesting such record after deletion of any portions determined to be exempt under 5 U.S.C. 552(b) (4). The requester will be given a brief description of any information found to be exempt.

(b) If material received with a request for exemption from disclosure under 5 U.S.C. 552(b) (4) is found to be disclosable, in whole or in part, the person submitting the material will be notified in writing and given 10 calendar days from the receipt of the letter to seek judicial

relief. In no event, however will the material be returned to the person submitting it.

Subpart C—Disclosure of Commission Accident or Investigation Reports Under 15 U.S.C. 2074(c)

§ 1015.20 Public availability of accident or investigation reports.

(a) Accident or investigation reports made by an officer, employee, or agent of the Commission are available to the public under the procedures set forth in Subpart A of this Part 1015. No portion of such records is subject to the investigatory file exemption contained in the Freedom of Information Act (as restated in § 1015.16) except that portions identifying any injured person or any person treating such injured person will be deleted in accordance with section 25(c) (1) of the CPSA. Where disclosure of an accident or investigation report is requested by supplying the name of the person injured or other details of a specific accident (other than cases where the report is requested by the injured person or the injured person's legal representative), the Commission will offer to obtain the written consent of the injured party or the injured party's representative to the disclosure of the report without deleting the party's identity. No deletion of identifying portions of such reports or refusal to disclose without the Commission having first obtained written consent shall be considered as a denial by the Commission of disclosure of Commission records.

(b) Research reports, demonstration reports, and reports of other related activities of the Commission are available to the public under the procedures set forth in Subpart A of this Part 1015.

Dated: April 14, 1976.

SADYE E. DUNN,
Secretary, Consumer Product
Safety Commission.

[FR Doc.76-11282 Filed 4-19-76;8:45 am]

POSTAL SERVICE

[39 CFR Part 111]

BULK THIRD CLASS MAIL

Reporting on or Segregating Local Mail

In order to assure collection of reliable data for purposes of revenue and cost analysis, the U.S. Postal Service is considering amending § 134.43 of the Postal Service Manual to require mailers of third-class bulk mail at certain post offices to use Postal Service Form 3602—Statement of Mailing with Permit Imprints—to report separately the number of pieces in each mailing that are addressed for delivery by the post office where the permit imprint was issued. Alternatively, such mailers could segregate this local mail from the rest of the mailing in separate trays, so that the accepting postal employee could easily ascertain and record the weight of the local component of the mailing.

The mailers affected are those who present their mailings at the 581 post of-

fices selected for sampling of third-class bulk mail. This is a stratified random sample that includes all of the 279 post offices with third-class bulk revenues of over \$400,000 per year, plus a representative sample of smaller offices. Mailers are urged to contact their postmasters to ascertain if their particular post office is a designated office for this purpose.

The Postal Service has a standing need for this data in its Revenue and Cost Analysis System. In the past, postal employees in the sample offices have obtained this information by opening sacks or by examining the sack labels. This process has been found to be costly and disruptive of postal operations to the detriment of the Service and of the mailers since it frequently causes delays.

The Postal Service believes that more accurate information can be collected, and that it will be more efficient and beneficial to all parties if the mailer, at his convenience, either reports directly on PS Form 3602 the number of pieces addressed for local delivery, or segregates the local mail component in separate trays. PS Form 3602 presently has a blank space labeled "For RCA Offices." This space would be used if the contemplated amendment is adopted.

Interested persons who wish to do so may submit written data, views, or arguments concerning the proposed revised regulation to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. All comments received on or before May 20, 1976, will be considered by the Postal Service before taking action on the proposed rule.

Accordingly, although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c) regarding proposed rule making, 39 U.S.C. 410(a)), the Postal Service invites public comment on the following proposed revision of the Postal Service Manual:

PART 134—THIRD CLASS

In 134.43 of the Postal Service Manual add new 436 reading as follows:

134.43 Preparation by the Mailer of Pieces in Packages and Sacks

436 Packages and Sacks

1. Local Packages and Sacks (for designated offices only). (1) Packages or Trays. All pieces of mail addressed for delivery by the office that issued the permit imprint must be presented separately in packages or trays. The packages or trays must be pre-sorted by 5-digit ZIP Code delivery unit when the city is a multi-ZIP post office and there are ten or more individually addressed pieces to each and/or any of the delivery units.

(2) Sacks. When there are enough packages to fill at least one third of a sack, the sack will be labeled to the local post office and presented separately.

(3) Mailers who prefer to report directly on Form 3602 (in box marked "For RCA Offices") the number of pieces addressed for local delivery, will not have to separate the local mail physically from the non-local mail otherwise required in (1) or (2) above.

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be

published after adoption of the proposal.
(39 U.S.C. 401).

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.76-11320 Filed 4-19-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Extension of Comment Period

On March 1, 1976, notice of a proposed amendment to § 107.201, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations was published in the FEDERAL REGISTER, Volume 41, No. 41, Page 8800. Comments on the proposed rule-making were solicited for a period of 30 days. The period for comments expired March 31, 1976.

In view of the importance of the proposed amendment and the widespread interest shown, it has been deemed advisable to extend the comment period.

Accordingly, the period for comment on the proposed amendment to 13 CFR 107.201(a)(2) as published on March 1, 1976, is hereby extended to the close of business on April 20, 1976. Comments should be submitted in writing in triplicate, and addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program 59.0111 Small Business Investment Companies.)

Dated: April 9, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-11319 Filed 4-19-76;8:45 am]

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actually filed. At that time, copies will be available for review. Anyone wishing to submit suggestions for consideration in the preparation of the Draft Environmental Statements is requested to send them to Lt Col Torsten Rothman, AF/PREVP, HQ USAF, Washington, D.C. 20330.

AWACS BEDDOWN AT TINKER AIR FORCE BASE, OKLAHOMA

The proposed action is to beddown a new wing of the E-3A, a modified Boeing 707-320, Airborne Warning and Control System (AWACS) aircraft at Tinker Air Force Base, Oklahoma. The first AWACS aircraft is programmed to arrive in November 1976 with the full complement of 34 aircraft assigned by 1981 assuming timely Congressional approval for their production. The proposed action will also result in the alteration and new construction of facilities at Tinker Air Force Base.

ACCESS EASEMENT ACROSS U.S. AIR FORCE LANDS TO SEIBU LEISURE (GUAM) INC.

The proposed action is the granting of an access easement to Seibu Leisure (Guam), Inc. across U.S. Air Force lands in association with the proposed development of Lot 10080, which is at present land-locked by U.S. Government lands. The project site is located at the northwestern extreme of the island of Guam, adjacent to Anderson Air Force Base (Northwest Field), and north of the U.S. Naval Communication Station at Finegayan. The proposed development of Lot 10080, called the "Urano Beach Development," is a combination resort/recreational/residential development, consisting of hotels, facilities for indoor and outdoor recreation, cultural activities, commercial, community service and educational endeavors, and residential units.

AEROPROPULSION SYSTEMS TEST FACILITY (ASTF)

The proposed action is to construct a test facility which would have the capability to simulate flight environments for development, certification and qualification testing of large air breathing engines. It would be located at Arnold Engineering Development Center, Coffee County, Tennessee. The facility would have the capacity to test engines up to 100,000 lbs. thrust at air speeds up to Mach 3.8. Subsonic and supersonic engines would be tested in separate 28 ft. diameter test cells. Air pollution would be controlled to meet State standards. Noise attenuation and thermal pollution control would be incorporated in the design.

ESTABLISHMENT OF FALCON MILITARY OPERATING AREA

The proposed action is to establish an air traffic control assigned air space over a 3,500 square mile area of upstate New York in which to conduct low level interceptor training. A western portion of the Adirondack State Park would be included within the operating area. Flying would

be at altitudes from 6,000 to 17,000 feet above sea level. Other military flying currently conducted within the same area is also addressed.

JAMES L. ELMER,
Major, USAF, Executive,
Directorate of Administration.

[FR Doc. 76-11301 Filed 4-19-76; 8:45 am]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. MARSH A. COOPER ET AL.

Proposed Consent Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed consent judgment and a competitive impact statement have been filed with the United States District Court for the Southern District of Texas, Houston, Texas. Civil Action No. 76-H-630, the *United States of America v. Marsh A. Cooper; The Superior Oil Company; and Texas Eastern Transmission Corporation*. The complaint, filed concurrently with the proposed judgment and CIS, charges all three defendants with violating Section 8 of the Clayton Act, since defendant Marsh A. Cooper has been simultaneously a director of Superior Oil and Texas Eastern and since both corporate defendants are competitors within the meaning of Section 8. The complaint states that Superior Oil and Texas Eastern have bid against each other on at least twenty-five occasions in attempts to acquire interests in oil and gas producing properties leased by the Federal Government.

The judgment prohibits defendant Cooper from serving as a director of both corporate defendants simultaneously; prohibits Superior and Texas Eastern from permitting the same person to serve as a director on their boards or on the board of any of their subsidiaries engaged in commerce in oil and gas; and prohibits each corporate defendant from permitting a person to serve on its board or that of any of its subsidiaries engaged in commerce in oil and gas while such person is a director of any other competing corporation, which by itself or through its subsidiaries is also engaged in commerce in oil and gas. The judgment terminates twenty years from its entry by the Court.

Public comments are invited on or before June 22, 1976. Such comments and responses thereto will be published in the *FEDERAL REGISTER* and filed with the Court. Comments should be directed to Joseph J. Saunders, Chief, Public Counsel and Legislative Section, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: April 14, 1976.

THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

[Civil Action No. 76-H-630;
Filed: April 13, 1976]

UNITED STATES OF AMERICA, Plaintiff, v. MARSHA A. COOPER; THE SUPERIOR OIL COMPANY; and TEXAS EASTERN TRANSMISSION CORPORATION, Defendants.

STIPULATION

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A final judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed final judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to the plaintiff and defendants in this and any other proceeding.

For the Plaintiff: Thomas E. Kauper, Assistant Attorney General, Baddia J. Rashid, Charles F. B. McAlveer, Joseph J. Saunders, Jill Nickerson, Attorneys, Department of Justice, Stephen H. Lachter, Attorney, Department of Justice.

For the Defendants: Vinson, Elkins, Searls, Connolly & Smith, Marsh A. Cooper, Harry M. Reasoner, Attorney, Texas Eastern Transmission Company, Willard B. Wagner, Jr., Agent and Attorney-in-Fact, and Vice President and General Counsel, The Superior Oil Company.

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS

[Civil Action No. 76-H-630;
Filed: April 13, 1976]

United States of America, Plaintiff, v. Marsh A. Cooper; the Superior Oil Company; and Texas Eastern Transmission Corporation, Defendants.

FINAL JUDGMENT

Plaintiff United States of America, having filed its complaint herein on April 13, 1976, and defendants having appeared by their attorneys, and plaintiff and the defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting evidence or admission by any party with respect to any issue of fact or law herein;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon the consent of the parties hereto, it is hereby, ordered, adjudged, and decreed:

I. This Court has jurisdiction over the subject matter herein and the parties hereto. The complaint states a claim upon which relief may be granted, if such claim were established, under Section 8 of the Act of Congress of October 15, 1914 (15 U.S.C. § 19), as amended, commonly known as the Clayton Act.

II. As used in this Final Judgment:

(A) "Corporate defendant" shall mean The Superior Oil Company, Texas Eastern Transmission Corporation and each of them;

(B) "Commerce in oil and gas" means the production and sale of crude petroleum and natural gas in interstate commerce or the acquisition of or effort to acquire interests in oil or gas producing properties;

(C) "Subsidiary" means any corporation in which more than fifty percent of the stock entitled to vote for directors is, directly or indirectly, owned or controlled by a corporate defendant.

III. The provisions of this Final Judgment shall apply to the corporate defendants and to their subsidiaries, successors and assigns and directors. None of the provisions of this Final Judgment shall be applicable to the foreign commerce of the United States.

IV. (A) Defendant, Marsh A. Cooper, is enjoined and restrained from serving as a director of Texas Eastern Transmission Corporation or any subsidiary thereof, while serving as a director of The Superior Oil Company or any of its subsidiaries.

(B) Each corporate defendant is enjoined and restrained from permitting any person to serve as a director on its board, or the board of any subsidiary of said corporate defendant which is engaged in commerce in oil and gas, while such person is serving as a director on the board of the other corporate defendant, or on the board of any subsidiary of said other corporate defendant which is engaged in commerce in oil and gas.

(C) Each corporate defendant is enjoined and restrained from permitting any person to serve as a director on its board, or the board of any subsidiary of said corporate defendant which is engaged in commerce in oil and gas, while such person is serving as a director on the board of any other corporation (other than a subsidiary of the corporate defendant and in the case of defendant The Superior Oil Company, other than Canadian Superior Oil Ltd. or its subsidiaries) which is itself or has any subsidiary that is engaged in commerce in oil and gas, where such other corporation or its subsidiary by virtue of its business and location of operation is, or has been, a competitor of said corporate defendant or said subsidiary, so that the elimination of competition in commerce in oil and gas by agreement between said corporate defendant or said subsidiary and such other corporation or its subsidiary would constitute a violation of any of the provisions of any of the antitrust laws. Nothing in this Final Judgment shall preclude a person serving as a director of a corporate defendant, or as a director of a subsidiary thereof, from also serving as a director of another corporation, engaged in commerce in oil and gas, in which said corporate defendant or a subsidiary thereof has an ownership interest, where such other corporation has been formed as a joint venture for the purpose of providing a supply of natural or synthetic gas or oil, or as a means of transporting natural or synthetic gas or oil.

V. Within sixty (60) days of entry of this Final Judgment, each corporate defendant shall file with this Court and serve upon plaintiff and affidavit as to the fact and manner of its compliance with Section IV of this Final Judgment.

VI. (A) For a period of ten years from the date of entry of this Final Judgment, each corporate defendant shall on the anniversary date of this Final Judgment, file with the Court and serve upon plaintiff, an affidavit as to the fact and manner of its compliance with Section IV of this Final Judgment. Such statement shall describe, in reasonable detail, all steps taken to discharge its obligations under said Section IV. Each corporate defendant shall give a copy of this Final Judgment to each of its current directors and to each person being considered for election as a director.

(B) Compliance with Section IV(C) of this Final Judgment may be accomplished by a

corporate defendant by (1) requiring that each of its directors within sixty (60) days from the date of entry of this Final Judgment, and not less than annually thereafter, furnish it with a written statement of the name, business or businesses, and location of operations of each other corporation of which said director is also a director; (2) requiring a written statement in the form described in (1) above from each person being considered for election as a director who has not served as a director during the preceding year; and (3) refusing to permit any person to serve as a director when a reasonably diligent investigation of the information, provided by said person, from publicly available sources reveals that the election or continued service of said person as a director of the corporate defendant, or any subsidiary thereof, would violate Section IV of this Final Judgment.

VII. (A) For the purpose of determining or securing compliance with this Final Judgment and for no other purpose each corporate defendant shall permit, subject to any legally recognized privilege, duly authorized representatives of the Department of Justice, on written requests of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to such defendant's principal office: (1) Access during the regular office hours of such defendant, to inspect and copy any and all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession, custody or control of such defendant which relate to any matters contained in this Final Judgment; and (2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers or employees of such defendant, who may have counsel present, regarding such matters.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, such defendant shall submit such reports in writing, with respect to the matters contained in this Final Judgment, as may from time to time be requested.

(C) No information obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the plaintiff except in the course of legal proceedings to which the United States is a party for the purpose of securing compliance with this Final Judgment or as otherwise required by law.

VIII. Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, and for the punishment of violations thereof. This Final Judgment shall be in full force and effect for a period of twenty (20) years from the date of entry of this Final Judgment and thereafter shall have no further force or effect.

IX. Entry of this Final Judgment is in the public interest.

Dated: _____

United States District Judge.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

[Civil Action No. 76-H-630; Filed:
April 13, 1976]

United States of America, Plaintiff, v.
Marsh A. Cooper; the Superior Oil Company;

and Texas Eastern Transmission Corporation, Defendants.

COMPETITIVE IMPACT STATEMENT

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States of America hereby files this Competitive Impact Statement relating to the proposed Consent Judgment submitted for entry in this civil antitrust proceeding.

I. *Nature and Purpose of the Proceeding.* The complaint in this proceeding, which alleges that the defendants violated Section 8 of the Clayton Act, was filed on April 13, 1976. The proposed Consent Judgment was filed concurrently, having been negotiated prior to the filing of the complaint.

Section 8 of the Clayton Act prohibits an individual from serving on the Boards of Directors of competing corporations. The complaint alleges that defendant Marsh A. Cooper served simultaneously as a director of defendants Superior Oil and Texas Eastern, who are and have been competitors. The complaint also alleges that the corporate defendants violated the same section by permitting Marsh A. Cooper to be elected and to serve as a director of both corporations simultaneously.

Section 8 of the Clayton Act is prophylactic in nature. As such, no overt anti-competitive actions must be shown and none were alleged in the complaint. The purpose of this action is to eliminate the potential for anticompetitive activity that could result from a dual directorate—that is the prospect that a director could utilize his position in two competing corporations to eliminate competition between them in violation of the antitrust laws.

II. *Practice Giving Rise to the Alleged Violation.* The specific practice involved in this action against the defendants is, of course, the fact that defendant Marsh A. Cooper has been, at the same time, a director of both defendant corporations. The defendant Marsh A. Cooper has, since 1973, been a director of Superior Oil. In addition, since 1970, he has been a director of Texas Eastern. This fact alone is sufficient to establish a violation of Section 8 of the Clayton Act as long as the statutory criteria are met by the corporations involved. Section 8 requires that one of the corporations must have capital, surplus, and undivided profits aggregating more than \$1 million and must be engaged in commerce. In addition, both corporations must be competitors by virtue of their business and location of operation, so that elimination of competition by agreement between them would constitute a violation of the antitrust laws.

Both Superior Oil and Texas Eastern have assets exceeding \$1 million and both are engaged in commerce. Superior Oil and Texas Eastern have actively engaged in efforts to acquire interests in oil and gas producing properties leased by the Federal Government in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343). Since June 19, 1973, Superior Oil and Texas Eastern have bid against each other in at least twenty-five instances to obtain from the Federal Government interests in identical potential oil and gas producing properties.

III. *Proposed Consent Judgment.* The proposed Consent Judgment (Section IV(A)) enjoins defendant Marsh A. Cooper, for a period of twenty years from date of entry of the Consent Judgment, from serving as a director of one of the corporate defendants or any of its subsidiaries while serving as a director of the other corporate defendant or any of its subsidiaries.

The Consent Judgment (Section IV (B)) prohibits each corporate defendant (Superior Oil and Texas Eastern), for a twenty-year period, from permitting any person to serve as a director on its Board of Directors or the Board of any subsidiary engaged in commerce in oil and gas while such person is serving as a director of the other corporate defendant or any of its subsidiaries engaged in commerce in oil and gas.

It also prohibits (Section IV(C)) each defendant for twenty years from having a common director on its Board, or the Board of any subsidiary engaged in commerce in oil and gas, and any other corporation which competes with the defendant or its subsidiary. Therefore if a subsidiary of one of the defendants were to compete with another corporation in commerce in oil and gas, even though that corporation was not a direct competitor of the defendant, any interlock between the defendant and such other corporation would be prohibited by this Consent Judgment.

Commerce in oil and gas is defined in the Consent Judgment (Section II(B)) as the production and sale of crude petroleum and natural gas in interstate commerce or the acquisition of or effort to acquire interests in oil or gas producing properties.

Interlocks between a corporate defendant and its subsidiaries (subsidiary defined as any corporation in which more than 50% of the stock entitled to vote for directors is, directly or indirectly, owned or controlled by a corporate defendant) are specifically excluded from the prohibitions of the Final Judgment. In addition, Superior Oil's subsidiary, Canadian Superior Oil Ltd., is expressly excluded because, due to circumstances outside its control, Superior may in the future be warranted in reducing its ownership interest in its Canadian subsidiary to slightly less than 50%.

Finally, the Consent Judgment requires each corporate defendant to take affirmative steps to comply with the Consent Judgment. Section V requires each corporate defendant to file an affidavit with the Court and the United States as to the fact and manner of compliance within sixty days of entry of the Consent Judgment. Moreover, Section VI requires that, for a ten-year period, each corporate defendant take affirmative steps to comply with the terms of the Consent Judgment and file affidavits annually to that effect.

IV. Anticipated Effects on Competition. The evidence in this case did not encompass known restraints of trade but did encompass the probability that such restraints might result from the interlocking directorate involved. Thus, the impact on competition of the Consent Judgment cannot be measured in terms of specific effects which might release identifiable competitive forces. The sole anticipated effect upon competition is the removal of the danger that anticompetitive effects will result from the interlocking directorate.

V. Remedies Available to Potential Private Plaintiffs. This Consent Judgment may not be used in private litigation as prima facie evidence that the antitrust laws have been violated, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)). However, anyone damaged by the alleged violation retains the right to sue for money damages and all other legal and equitable remedies, just as if the proposed Consent Judgment had not been entered.

VI. Procedures Available For Modification of Consent Judgment. This proposed Consent Judgment is subject to a stipulation between the parties that the United States

may withdraw its consent to the Consent Judgment at any time within 60 days or until the Court finds that entry of the Consent Judgment is in the public interest. Any persons so desiring may submit written comments relating to the proposed judgment for consideration by plaintiff to Joseph J. Saunders, Chief, Public Counsel and Legislative Section, Antitrust Division, Department of Justice, Washington, D.C. 20530. Such comments, together with responses thereto, will be filed with the Court and published in the FEDERAL REGISTER.

VII. Description and Evaluation of Alternatives to this Proposed Consent Judgment. The United States considered one alternative to the proposed Consent Judgment. That alternative would have enjoined the defendant corporations from having a director sit on the Board of Directors of any corporation engaged in a broader line of commerce, designed to include the production, refining, wholesale or retail marketing and distribution of petroleum, petroleum products, and gas. In addition, the provisions of that proposed judgment were permanent. Finally, that judgment ordered defendant Marsh A. Cooper to withdraw from participation in the direction, control, or conduct of the business of the corporate defendant from which he resigns.

The government believes that the narrower definition contained in the proposed Consent Judgment prohibits those interlocks where there would be any adverse competitive effect. It further believes that the broader definition of commerce might have inhibited interlocks between corporations which in fact might not be competitors within the meaning of Section 8 of the Clayton Act.

The defendants proposed that the decree be limited to five years. The government determined that, given the nature of the violation alleged, a twenty-year period would be sufficient time to assure the defendant's future compliance and would not be unreasonably oppressive.

Finally upon notice from the government of its intention to file suit, Marsh A. Cooper resigned from the Board of Directors of Texas Eastern.

There are no materials or documents, which the government considered determinative in formulating this proposed Consent Judgment. Therefore, none is being filed along with this Competitive Impact Statement.

Respectfully submitted,

JOSEPH J. SAUNDERS,
STEPHEN H. LACHER,
Attorneys, Department of Justice.

[FR Doc.76-11314 Filed 4-19-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 2747]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

APRIL 9, 1976.

Notice of Forest Service, U.S. Department of Agriculture, State Office, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, application, R 2747 for withdrawal and reservation of land for a historical and recreation site was published as F.R. Doc.

No. 70-5127 on page 6716 of the issue for April 28, 1970. The applicant agency has cancelled its application.

SAN BERNARDINO NATIONAL FOREST

SAN BERNARDINO MERIDIAN, CALIFORNIA

Holcomb Valley Historical and Recreation Site

In Secs. 4 and 5, T. 2 N., R. 1 E., and Secs. 28, 29, 31, 32, and 33, T. 3 N., R. 1 E., SBM, described as follows:

Beginning at the northwest corner of lot 6, Sec. 31, T. 3 N., R. 1 E., SBM, thence easterly along the north line of Secs. 31 and 32 to the westerly line of Mineral Survey 6484 (Poole and Alma Claim); thence northeasterly along the west line of Mineral Survey 6484 to its most northerly corner; thence southeasterly to the intersection of the northerly line of Mineral Survey 6484 and the north line of Sec. 33, T. 3 N., R. 1 E., SBM, thence easterly to the northeast corner of Sec. 33; thence southerly 70 chains to the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; thence westerly 40 chains to the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; thence southerly 10 chains to the southwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; thence easterly approximately 1 chain; thence southerly 10 chains to the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 4, T. 2 N., R. 1 E., SBM; thence easterly 10 chains; thence southerly 10 chains; thence easterly 10 chains; thence southerly 20 chains; thence westerly 30 chains; thence northerly 20 chains.

Thence westerly 20 chains; thence northerly 10 chains; thence westerly 50 chains; thence northerly 10 chains to the northwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, T. 2 N., R. 1 E., SBM; thence westerly approximately 1 chain; thence northerly 20 chains to the northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 32, T. 3 N., R. 1 E., SBM; thence easterly 30 chains to the northeast corner of the NW $\frac{1}{4}$ of lot 2, Sec. 32, T. 3 N., R. 1 E., SBM; thence northerly 30 chains; thence westerly 20 chains; thence southerly 10 chains to the northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 3 N., R. 1 E., SBM; thence westerly to the easterly line of lot 70, Mineral Survey 3055; thence southwest along the boundary of lot 70 to a point where the boundary of lot 70 turns westerly; thence N. 71° W., a distance of 320 feet to a point; thence northwesterly to the southernmost corner of the Last Chance Location (lot 67 of Mineral Survey 3055); thence northwest to the northeast corner of lot 64 of Mineral Survey 3055; thence N. 71°48'30" W. 144.35 feet along the north line of said claim; thence S. 17°21' W. 265.84 feet; thence 72°39' E. 88.66 feet to the easterly line of said claims; thence southwesterly 60.34 feet, more or less, along the east boundary of said lot 64 to a point; thence northwesterly along a line parallel with the northerly line of said lot approximately 49 chains to a point; thence N. 19°27' W. 679.5 feet to a point which lies S. 25°25' W. 1038.9 feet from the northernmost corner of lot 65 of Mineral Survey 3055; thence southwesterly to the northerly line of lot 64; thence northwesterly along the north line of lot 64 to the west line of lot 6, Sec. 31, T. 3 N., R. 1 E., SBM; thence northerly to the point of beginning.

Excepting therefrom the following: Mineral Survey 92, Mineral Survey 94, Mineral Survey 95, all in said Sec. 33, T. 3 N., R. 1 E., SBM, and also excepting lot 72 of Mineral Survey 3055 in said Sec. 32, and Mineral Survey 6409 in said Sec. 31, T. 3 N., R. 1 E., SBM. The area described aggregates approxi-

mately 1,222.50 acres in San Bernardino County.

Therefore, pursuant to the regulations contained in 43 CFR 2350, such lands at 10 a.m. on May 19, 1976, will be relieved of the segregative effect of the above-mentioned applications.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11261 Filed 4-19-76; 8:45 am]

[CA 3346]

CALIFORNIA

Proposed Withdrawal and Reservation of Minerals

APRIL 9, 1976.

The Fish and Wildlife Service, U.S. Department of the Interior, State Office, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, has filed application CA 3346 to withdraw and reserve from all forms of appropriation under the mineral leasing laws, subject to valid existing rights, the reserved mineral estate in the acquired lands described below.

The applicant desires the land to be set aside as a part of the Hopper Mountain National Wildlife Refuge system for the protection of the endangered California Condor which now number between 50 and 60 birds, with the majority of their nesting occurring within the sanctuary.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing, on or before May 19, 1976 to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for these resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the minerals will be withdrawn as requested.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place which will be announced.

SAN BERNARDINO MERIDIAN

HOPPER MOUNTAIN NATIONAL WILDLIFE REFUGE

T. 4 N., R. 19 W.,

Sec. 2, lot 2, E $\frac{1}{2}$ lot 7, SE $\frac{1}{4}$.

The area described aggregates 231.24 acres in Ventura County, California.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11302 Filed 4-19-76; 8:45 am]

[R 1370]

CALIFORNIA

Termination of Proposed Withdrawal and Reservation of Land

APRIL 9, 1976.

Notice of Forest Service, U.S. Department of Agriculture, State Office, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, application R 1370 for withdrawal and reservation of land for an administrative site and picnic area was published as F.R. Doc. No. 68-5260 on page 6746 of the issue for May 2, 1968. The applicant agency has cancelled its application.

SAN BERNARDINO MERIDIAN, CALIFORNIA

SMARTS RANCH ADMINISTRATIVE SITE AND PICNIC AREA

T. 2 N., R. 2 E.,

Sec. 3, Lots 3, 4, and 5, SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Excepting therefrom portions thereof described as follows:

Beginning at the southwest corner of the northwest quarter of said Sec. 3, thence N. 51°18' E., 2,533 feet to the true point of beginning; thence from said true point of beginning N. 24°00' E., 223.4 feet; thence S. 83°42' E., 195 feet; thence S. 24°00' W., 223.4 feet; thence N. 85°42' W., 195 feet to the point of beginning;

Beginning at the southwest corner of the northwest quarter of said Sec. 3; thence N. 51°18' E., 2,533 feet to a point; thence N. 85°42' W., 139 feet to a point; thence S. 3°18' W., 134 feet to a point; thence S. 5°33' E., 198 feet to the true point of beginning; thence from said point of beginning S. 29°17' W., 171.8 feet; thence S. 79°17' W., 253.5 feet; thence N. 29°17' E., 171.8 feet; thence N. 79°17' E., 253.5 feet to the point of beginning.

Any portion of the property described above included within the boundaries of Lot 38-B as shown on township plat in the Bureau of Land Management at Washington, D.C.

Therefore, pursuant to the regulations contained in 43 CFR 2350, such lands at 10 a.m. on May 19, 1976, will be relieved of the segregative effect of the above-mentioned application.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11303 Filed 4-19-76; 8:45 am]

[NM 27847]

NEW MEXICO

Notice of Application

APRIL 12, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Llano, Inc., has applied for one 4-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 3, S $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$.

This pipeline will convey natural gas across 1.328 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11304 Filed 4-19-76; 8:45 am]

[Wyoming 49454]

WYOMING

Notice of Application

APRIL 12, 1976.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Northwest Pipeline Corporation has applied for a natural gas pipeline and separator site right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 16 N., R. 92 W.

T. 16 N., R. 93 W.

The pipeline will be an addition to the existing Barrel Springs Gathering System in Carbon County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 670, Rawlins, WY 82301.

GLENN M. LANE,
Acting Chief, Branch of Lands
and Minerals Operations.

[FR Doc.76-11305 Filed 4-19-76; 8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (P.L. 93-205).

Applicant: Art Jones, 1530 South Avenue E., Portales, New Mexico 88130, Cactus Ranch.

JANUARY 21, 1976.

DIRECTOR,
U.S. Fish and Wildlife Service, P.O. Box 19183, Washington, D.C. 20036
(Attention: Permit Office, File No. PRT8-405).

DEAR SIR: I wish to add this letter to my original application for a young guar bull.

I am very interested in starting a herd of guar cattle and am, therefore, writing different zoos trying to obtain some females to go with this bull. I really feel like, since

these are an endangered species, it would be best for me to go ahead and develop a fair sized gaur herd before I start crossing them with my cattle.

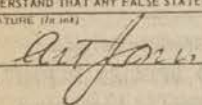
I feel like I know enough about animals, both wild and domestic, that I can be suc-

cessful with this endeavor and that it will benefit both myself and the U.S. Fish and Wildlife Service. Any help you can give me will be greatly appreciated.

Sincerely,

ART JONES.

OMB NO. 42-01620

DEPARTMENT OF THE INTERIOR U.S. FISH AND WILDLIFE SERVICE FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION		1. APPLICATION FOR (Indicate only one)													
		☐ IMPORT OR EXPORT LICENSE ☒ PERMIT													
		2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED. Transfer one male gaur in interstate commerce in the course of a commercial activity for breeding in captivity													
3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested) Art Jones Cactus Ranch 1530 South Avenue E Portales, New Mexico 88130 505-356-8019		5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING: EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION													
4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING: <table border="1"> <tr> <td>MR. ☐ MRS. ☐ MISS ☐ MS. ☐</td> <td>HEIGHT 5'7"</td> <td>WEIGHT 165</td> </tr> <tr> <td>DATE OF BIRTH May 14, 1915</td> <td>COLOR HAIR brown</td> <td>COLOR EYES blue</td> </tr> <tr> <td>PHONE NUMBER WHERE EMPLOYED 505-356-8019</td> <td colspan="2">SOCIAL SECURITY NUMBER 525-28-2840</td> </tr> <tr> <td colspan="3">OCCUPATION ranching</td> </tr> </table>		MR. ☐ MRS. ☐ MISS ☐ MS. ☐	HEIGHT 5'7"	WEIGHT 165	DATE OF BIRTH May 14, 1915	COLOR HAIR brown	COLOR EYES blue	PHONE NUMBER WHERE EMPLOYED 505-356-8019	SOCIAL SECURITY NUMBER 525-28-2840		OCCUPATION ranching			6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED Cactus Ranch, approx. 7 miles southeast of Portales, New Mex. (shipment from Oklahoma City Zoo to Cactus Ranch, Portales, N.M.)	
MR. ☐ MRS. ☐ MISS ☐ MS. ☐	HEIGHT 5'7"	WEIGHT 165													
DATE OF BIRTH May 14, 1915	COLOR HAIR brown	COLOR EYES blue													
PHONE NUMBER WHERE EMPLOYED 505-356-8019	SOCIAL SECURITY NUMBER 525-28-2840														
OCCUPATION ranching															
7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☒ NO (If yes, list license or permit number)		8. IF REQUESTED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSED? ☐ YES ☒ NO (If yes, list jurisdiction and type of document)													
9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF \$ 50.00		10. DESIRED EFFECTIVE DATE Nov. 15, '75 Jan. 1, 1976													
11. DURATION NEEDED		12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 C.F.R. 13.12(a)(1)) MUST BE ATTACHED. IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 C.F.R. UNDER WHICH ATTACHMENTS ARE PROVIDED: attachments included													
CERTIFICATION I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.															
SIGNATURE (In ink) 		DATE 22 Oct 75													

DIRECTOR,
Bureau of Sport Fisheries and Wildlife, U.S.
Department of the Interior, Washington,
D.C. 20240.

OCTOBER 22, 1975.

DEAR SIR: Please consider this my application to purchase an endangered species of animal from the Oklahoma City Zoo and transfer it to my property located at Cactus Ranch, Portales, New Mexico. In compliance with 50 C.F.R. 13 Subpart "B" 12.12 the following information is provided:

1. Art Jones, 1530 South Avenue E, Portales, New Mexico, 88130, 505-356-8019.
2. Born May 14, 1915, weight 165 pounds, height 5'7", blue eyes, male. Business is ranching.
3. Not applicable.
4. The animal will be trucked by livestock trailer from the Oklahoma City Zoo, Okla-

homa City, Oklahoma, to the Cactus Ranch, located approximately 8 miles from Portales, New Mexico.

5. The acquisition of this animal is justified on the following basis:

- (1) Animal will be used in a cross-breeding program with domestic stock, resulting in exposure of this male to regular sexual activity. Should he be needed in breeding programs in the future with Zoo gaur, a proven breeding record will be of considerable value.
- (2) To determine feasibility of artificial insemination procedures and investigate the potential for gaur semen bank.
- (3) As a relict specimen.
- (4) In the future I may acquire a female gaur in order to breed this rare and endangered species. The long term

goal is to be able to offer gaur to other institutions in the United States.

(5) Animal will be kept on approximately 1,000 acres of grass land, with suitable barns, storage facilities, corals, windmills, etc.

(6) I have been handling buffalo and buffalo crosses for approximately thirty years. During this time I have never lost any of these, either to disease or mis-handling.

(7) I hereby certify that I have read and am familiar with regulations contained in Title 50, Part 13 of Federal Regulations and the other applicable parts in Chapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement may subject me to the Criminal Penalty of 18 U.S.C. 1001.

Sincerely,

ART JONES.

DIRECTOR,
Bureau of Sport Fisheries and Wildlife
Service, Department of the Interior,
Washington, D.C. 20249.

OCTOBER 27, 1975.

DEAR SIR: We recently transacted to sell a male gaur born here on 7 June 1975 to Mr. Art Jones, Cactus Ranch in Portales, New Mexico. This transaction was made with the full knowledge that this male would be used in a cross-breeding program and be worked with in relation to an artificial insemination project and, also, held as a relict specimen. We have attempted to place this animal through personal contact with other zoos that have proper facilities and have offered him in the AAZPA Newsletter without success. Mr. Jones has a proven track record in animal husbandry and management. He has developed a new breed of cattle which may revolutionize protein production in inhospitable environments. To my knowledge, he has never allowed sport or trophy hunting for his exotic stock, but has a dedicated interest in conservation of the vanishing species of the world and enjoys seeing these animals thrive on his land.

In summary, the Oklahoma City Zoo has an obvious investment in this animal. We support the justification Mr. Jones has given us for transfer of the animal to Cactus Ranch. Quite honestly, we can think of no better situation for the animal and the mutual interests of Mr. Jones, Oklahoma City Zoo and wildlife conservation will benefit from this transaction.

Sincerely,

LAWRENCE CURTIS,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, N.W., Washington, D.C.

Interested persons may comment on this application by submitting written

data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received within 30 days of the date of publication will be considered.

Dated: April 14, 1976.

C. R. BAVIN,
Chief, Division of Law Enforcement
U.S. Fish and Wildlife Service.

[FR Doc. 76-11285 Filed 4-19-76; 8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 8, 1976. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by April 30, 1976.

JERRY L. ROGERS,
Acting Director, Office of
Archeology and Historic Preservation.

ALABAMA

Jackson County

Stevenson, Stevenson Railroad Depot and Hotel, Main St.

Marengo County

Jefferson, Jefferson Historic District, AL 28.

Marion County

Hamilton vicinity, Pearce's Mill, E of Hamilton on CR 253.

Montgomery County

Montgomery, Cassimus House, 110 N. Jackson St.

Talledega County

Talledega vicinity, Elston House, about 10 mi. N of Talledega on Turner's Mill Rd.

ARKANSAS

Boone County

Harrison, Boone County Courthouse, Courthouse Square.

Carroll County

Berryville, Carroll County Courthouse, Public Square.

Cleburne County

Heber Springs, Cleburne County Courthouse, Courthouse Square.

Desha County

Arkansas City, Desha County Courthouse, Robert S. Moore Ave.

Garland County

Hot Springs, Wildwood, 808 Park Ave.

Greene County

Paragould, Greene County Courthouse, Courtsquare.

Izard County

Melbourne vicinity, Philadelphia Methodist Church, N of Melbourne.

Lafayette County

Bradley vicinity, Conway Cemetery, S of Walnut Hill, W of Bradley.

Little River County

Ashdown, Little River County Courthouse, Main and 2nd Sts.

Miller County

Texarkana, Orr School, 831 Laurel St.

Perry County

Perryville, Perry County Courthouse, Main and Pine Sts.

Phillips County

Helena, Richard L. Kitchens Post, #41, 409 Porter St.

Prairie County

Des Arc, Prairie County Courthouse, Main St.

Pulaski County

Sweet Home, Hanger Cotton Gin, Harper Rd. and Gates Lane.

Searcy County

Marshall, Searcy County Courthouse, Courthouse Square.

Sharp County

Evening Shade, Herrn House, W. Main St.

CALIFORNIA

Los Angeles County

Industry, Reed, John, House, 16021 E. Gale Ave.

Santa Clara County

Los Altos vicinity, Griffin, Willard, House and Carriage House, 12345 S. El Mone Ave.

CONNECTICUT

Hartford County

Collinsville, Collinsville Historic District, CT 179.

Hartford, Colt Industrial District, Colt Park and environs.

DELAWARE

Sussex County

Clarksville vicinity, Spring Banke, DE 26 and Irons Lane, NE of Clarksville.

FLORIDA

Hillsborough County

Tampa vicinity, Egmont Key, at entrance to Tampa Bay.

IDAHO

Ada County

Boise, St. Alphonsus Hospital, 508 N. 5th St.

Bonneville County

Idaho Falls vicinity, Wasden Site (Owl Cave), NW of Idaho Falls.

Custer County

Clayton vicinity, East Fork Lookout (10-CR-358), S of Clayton.

Idaho County

Kamiah vicinity, First Presbyterian Church, U.S. 12, SE of Kamiah.

Twin Falls County

Buhl, Ramona Theater, 113 Broadway.

ILLINOIS

Kane County

Aurora, Tanner, William A., House, 304 Oak Ave.

INDIANA

Henry County

Knightstown, Knightstown Academy, Cary St.

Madison County

Anderson, Historic West 8th Street, both sides of 7th, 8th, and 9th Sts. from Jackson St. to Henry St.

Marion County

Indianapolis, Hollingsworth House, 6054 Hollingsworth Rd.

Warrick County

Yankeetown vicinity, Yankeetown Archeological Site, S of Yankeetown.

MASSACHUSETTS

Barnstable County

Brewster vicinity, Dillingham House, W of Brewster on MA 6A.

Essex County

Danvers vicinity, Putnam, Gen. Israel, House, 431 Maple St.

Marblehead, Hooper House, 8 Hooper St.

Hampden County

Springfield, South Congregational Church, 45 Maple St.

Hampshire County

Northampton, Smith Alumnae Gymnasium, Smith College campus, Green St.

Middlesex County

Cambridge, Sands, Hiram, House, 22 Putnam Ave.

Lexington, Lexington Green Historic District, Bedford St., Harrington Rd., and Massachusetts Ave.

Medford, Albree-Hall-Lawrence House, 353 Lawrence Rd.

Medford, Fernald, George P., House, 12 Rock Hill St.

Newton, Woodland, Newton Highlands, and Newton Centre Railroad Stations and Baggage and Express Building, 1897 Washington St., 18 Station Ave., and 80, 50 Union St.

Shirley vicinity, Shirley Shaker Village, S of Shirley, Harvard Rd. (also in Worcester County).

Norfolk County

Cohasset, Lothrop, Caleb, House, 14 Summer St.

Quincy, Quincy, Josiah, House, 20 Muirhead St.

Quincy, Winthrop, John Jr., Iron Furnace, Crescent St.

Randolph, Belcher, Jonathan, House, 360 N. Main St.

Wellesley, Eaton-Moulton Mill, 37 Walnut St.

Wellesley, Wellesley Town Hall, 525 Washington St.

Plymouth County

Middleborough, Peirce, Peter, Store, N. Main and Jackson Sts.

North Abington, North Abington Depot, Railroad St.

Plymouth, Bartlett-Russell-Hedge House, 32 Court St.

Worcester County

Shirley Shaker Village. Reference—see Middlesex County.
Worcester, Paine, Timothy, House, 140 Lincoln St.

MICHIGAN

Ingham County

Lansing, North Lansing Historic Commercial District, E. Grand River Ave. and Turner St.

NORTH CAROLINA

Forsyth County

Winston-Salem, Zeverly House, 901 W. 4th St.

Wake County

Raleigh, Polk, Leonidas L., House, rear of 612 N. Blount St.

OKLAHOMA

Blaine County

Okeene, Okeene Flour Mill, off OK 51.

Kay County

Newkirk vicinity, Jenkins, Gov. William W. Homestead, 3 mi. SE of Newkirk.

Oklahoma County

Oklahoma City, Oklahoma State Capitol, 22nd St. and Lincoln Blvd.

UTAH

Salt Lake City

Salt Lake City, Constitution Building, 34 S. Main St.

Weber County

Ogden, Eccles Avenue Historic District, Eccles Ave.

[FR Doc.76-11154 Filed 4-19-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-286]

BARNES & TUCKER CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Barnes and Tucker Company has filed a petition to modify the application of 30 CFR 75.305 to its No. 20 Mine, Carrolltown, Pennsylvania.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and

the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately. If such condition creates an imminent danger, the operator shall withdraw all persons from the area affected by such condition to a safe area, except those persons referred to in section 104(d) of the Act, until such danger is abated. A record of these examinations, tests, and actions taken shall be recorded in ink or indelible pencil in a book approved by the Secretary kept for such purpose in an area on the surface of the mine chosen by the mine operator to minimize the danger of destruction by fire or other hazard, and the record shall be open for inspection by interested persons.

The substance of Petitioner's statement is as follows:

1. Petitioner requests the modification of the application of the mandatory safety standard above with respect to its No. 20 Mine for the reason that the literal and complete application of such standard in a particular section of Petitioner's said No. 20 Mine will result in the actual diminution of safety to the miners employed by Petitioner. In short, Petitioner specifically requests that it be relieved from making the examinations required by 30 CFR 75.305 along the return aircourse for the mine's G-9 longwall panel in its entirety for the following reasons:

(a) The return airway for the section G-9 longwall panel is located between section G-9 and G-7, the latter section being a worked out panel;

(b) The roof along the return airway for the G-9 longwall panel has deteriorated in spite of the fact that Petitioner has permanently supported the roof in accordance with its general practices and its MESA-approved permanent roof support plan;

(c) The return airway in question is not designated as an escapeway; and

(d) In spite of the fact that Petitioner has done all that it is possible to do in order to support the roof, in Petitioner's opinion, and in the opinion of others, the roof has deteriorated to the point that it would be unsafe and hazardous for men to travel the return airway in question throughout its entire length.

2. The alternate method which Petitioner proposes to establish, in lieu of the mandatory standard, is to make checks for methane in the inby and outby end of the entry in question at points safe for travel by a certified official during each working shift.

3. Petitioner contends that the alternate method which it proposes will increase, rather than lessen, safety, inasmuch as Petitioner's employees will not be required to travel under deteriorating roof.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of

the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearing and Appeals.

[FR Doc.76-11306 Filed 4-19-76;8:45 am]

[Docket No. M 76-220]

DIXIE FUEL OF PREMIUM, INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Dixie Fuel of Premium, Incorporated has filed a petition to modify the application of 30 CFR 75.1710 to its #6 Underground Mine, Premium, Kentucky. 30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraph (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. Petitioner protests the application of the mandatory safety standard set out

in 30 CFR 75.1710-1 to its #6 Underground Mine, insofar as that standard pertains to the following equipment: four (4) model AR-4 Elkhorn scoops; one (1) Pauls roof bolting machine; one (1) Wilcox roof bolting machine; and one (1) 11 RU cutting machine.

2. The #6 Underground Mine works the #2 Elkhorn coal seam, and there is a consistent upgrade and downgrade in that seam.

3. The #6 Underground Mine ranges from 36 to 42 inches in height in the section with respect to which this modification is sought.

4. Petitioner alleges that application of the aforesaid mandatory standard in these circumstances creates dangers to the miners in the form of diminished visibility, and that the modification sought will guarantee no less than the same measure of protection to the miners as said standard.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
*Acting Director, Office of
Hearings and Appeals.*

[FR Doc.76-11307 Filed 4-19-76; 8:45 am]

[Docket No. M 76-256]

LAUREL RUN MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Laurel Run Mining Company has filed a petition to modify the application of 30 CFR 75.307 to its Mine No. 1, Mount Storm, Grant County, West Virginia.

30 CFR 75.307 provides:

At the start of each shift, tests for methane shall be made at each working place immediately before electrically operated equipment is energized. Such tests shall be made by qualified persons. If 1.0 volume per centum or more of methane is detected, electrical equipment shall not be energized, taken into, or operated in, such working place until the air therein contains less than 1.0 volume per centum of methane. Examinations for methane shall be made during the operation of such equipment at intervals of not more than 20 minutes during each shift, unless more frequent examinations are required by an authorized representative of the Secretary. In conducting such tests, such person shall use means approved by the Secretary for detecting methane.

The substance of Petitioner's statement is as follows:

1. Petitioner is the owner and operator of the Mine No. 1 located at Mount Storm, Grant County, West Virginia.

2. Many sections of Petitioner's said Mine No. 1 have steep grades at the working faces. At most of these faces, there exists a severe water problem which is controlled by the continuous use of permissible electric water pumps.

3. The pumps so used are described as 5 horsepower Flygt permissible sump pumps, approved Schedule 2G, number 1895. A permissible circuit breaker set at 7.5 amps is used with each unit.

4. No methane has ever been detected during any inspection of Petitioner's Mine No. 1.

5. Due to this complete absence of methane, it has been the customary procedure at Petitioner's Mine No. 1 not to make methane examinations at 20 minute intervals when the only electrical equipment being operated at each working place was a permissible electric sump pump as described above. Until June 18, 1975, the Mining Enforcement and Safety Administration had issued no notices of violation as a result of this procedure. However, on June 18, 1975, Federal Coal Mine Inspector Junior E. Goodwin issued Notice of Violation No. 2 JEG at Petitioner's Mine No. 1. Said Notice provided that: "Examinations for methane were not being made at the face in No. 1 entry crosscut right 2 left where an electric water pump was observed operating for 35 minutes." A violation of 30 CFR 75.307 was indicated. Subsequent to June 18, 1975, additional notices of violation were issued with respect to other sections of the Mine No. 1.

6. Subsequent to the issuance of said notices of violation, and through the aid and cooperation of MESA officials, Petitioner became aware of the existence of a methane monitoring device which could be installed on the electric pumps and which would de-energize said pumps in the event methane was detected.

7. As an alternative to the application of section 303(h) (1) and 30 CFR 75.307 to Petitioner's Mine No. 1, Petitioner proposed to install the above-mentioned methane detection device on the permissible electric water pumps operating in the face areas. Petitioner further proposes that it be permitted to examine for methane at intervals of not more than every 8 hours when such pumps are operating and equipped with said methane detection devices, except that during normal production shifts, examinations for methane will continue to be made at intervals of not more than every 20 minutes in accordance with section 302(h) (1) and 30 CFR 75.307.

8. Petitioner avers that the alternative it proposes will provide no less than the same degree of safety to the miners at Petitioner's Mine No. 1 than will the application of section 303(h) (1) and 30 CFR 75.307.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and

Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
*Acting Director, Office of
Hearings and Appeals.*

[FR Doc.76-11308 Filed 4-19-76; 8:45 am]

[Docket No. M 76-265]

PEGGS RUN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861 (c) (1970), Peggs Run Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Peggs Run #2 Mine, Shipping Port, Beaver County, Pennsylvania.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

*** Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. ***

The substance of Petitioner's statement is as follows:

1. Petitioner requests modification of the application of the mandatory safety standard set forth in 30 CFR 75.1710-1(a) with respect to its said Peggs Run #2 Mine for the reason that the application of such standard will result in diminution of safety to the miners.

2. Petitioner asserts that technology does not presently exist to enable it to equip its self-propelled electric face equipment with suitable canopies to protect and provide for the safety of the operators of said equipment. Petitioner further asserts that based upon its experience with presently available canopies, the use of such canopies results in a diminution of safety to the miners in said mine.

3. The average mining heights for this mine vary from 36 inches to 56 inches.

4. Operators of face equipment, including shuttle car operators, are under MESA-approved plans for permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mine including the helpers on self-propelled electric face equipment and these helpers and other personnel freely move about the mine under the protection of approved roof support.

5. Petitioner's experience indicates that the application of the mandatory standard will result in a diminution of safety to miners for the reasons that instances have occurred where canopies cut roof bolts, tearing the roof bolts out, creating a hazard to all employees; and employees strongly object to operating machinery so equipped and allege a diminution of safety resulting from impaired vision and being required to operate in cramped positions.

6. Petitioner requests that the Secretary modify the application of the foregoing mandatory safety standard in Petitioner's Peggs Run #2 Mine affecting the face equipment and shuttle cars used in said mine by Petitioner.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 27, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

[FR Doc. 76-11309 Filed 4-19-76; 8:45 am]

[Dockets No. M 76-287]

THE PITTSBURG & MIDWAY COAL MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301

(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), The Pittsburgh & Midway Coal Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Drake III Mine, Muhlenburg County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

" * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that while 30 CFR 75.1710 provides that an operator may be required to install canopies or cabs "where the height of the coalbed permits," 30 CFR 75.1710-1 establishes a mandatory schedule for meeting installation and structural requirements. The schedule established by this section is keyed to "mining heights" and, Petitioner maintains, there is no apparent flexibility in applying these standards even though such installation might in fact create additional hazards.

2. Petitioner states that its Drake III Mine is an underground coal mine located in Muhlenburg County, Kentucky. The height of the coalbed in the mine varies from approximately 52 inches to

approximately 64 inches at the highest point. However, because of the nature of the seam and characteristics of the coal, the height of the coalbed from the floor to the roof will vary 6 inches or more, every 100 feet. Petitioner states that another factor which substantially affects the height of the coalbed for the purpose of equipment clearance is the fact that Petitioner's roof control plan requires, in certain instances, that crossbars be attached to the roof. Such supplementary roof support measures effectively reduce clearance by as much as 8 inches. Consequently, at least 12 inches vertical clearance from the roof is required to insure that face equipment at all times avoids contact with roof support systems, or the roof itself, at the working faces of the mine. Petitioner maintains that this results in a reduction of 12 inches in the vertical distance from the floor for purposes of equipment clearance.

3. 30 CFR 75.1710-1 requires that all of Petitioner's self-propelled electric face equipment at its Drake III Mine be equipped with canopies or cabs. At the present time, Petitioner states that it operates the following types of electric face equipment at said mine:

(a) Shuttle Cars—10SC Joy and 48-S12-36 Torkar;

(b) Loading Machines—14BU-10 Joy;

(c) Roof Bolters—300 and 320 Galis;

(d) Cutting Machines—15 RU Joy;

and

(e) Coal Drills—CD 71A Joy and CD 81A Joy.

4. Despite the fact that each item of equipment listed above requires a different style of canopy because of varying physical characteristics, Petitioner has developed on its own in some cases, or has obtained from equipment manufacturers in other cases, canopies for each type of the above-listed equipment, which canopies meet structural capacity requirements.

5. Petitioner states that structural capacity requirements have necessitated, under the present state of technology, the development of canopies constructed of heavy gauge steel. As a result of the size and weight of these canopies, structural modifications to each piece of equipment are necessary prior to the installation and utilization of these canopies. Petitioner avers that it has, nevertheless, made the necessary modifications, and has installed, or has the capability to install, certified canopies on each piece of equipment listed above.

6. Although Petitioner maintains that it has the capability to install certified canopies pursuant to 30 CFR 75.1710-1, it claims that its experience indicates that the installation and resulting use of certified canopies on the face equipment creates a number of safety hazards. The additional hazards or risks, stated to be created or aggravated by the installation of canopies, include the following:

(a) The rubbing or scraping, and therefore the possible dislodgement, of supplementary roof control systems;

(b) Significant reduction in the equipment operator's field of vision caused by the closeness of the canopy top to the operator's compartment; and

(c) Reduced space in the operator's compartment which results in or increases both impairment of operator movements which are necessary for the safe and efficient operation of the equipment as well as operator physical and mental fatigue.

7. Petitioner states that in spite of its efforts, it is presently unable to construct, or to obtain from equipment manufacturers, canopies which will meet the required structural capacity and, at the same time, allow operation of face equipment without creating the safety hazards stated above.

8. Petitioner states further that the application of 30 CFR 75.1710 and 75.1710-1(a) to all face equipment at all locations in its mine will in fact result in a safety hazard which, absent the installation of certified canopies, would not be present.

9. Petitioner does not seek to eliminate or delay the installation of certified canopies on face equipment where such installation is presently possible without creating the above-listed safety hazards, but does, however, seek to cooperate with MESA in developing an orderly plan and schedule, if possible, for the future installation of certified canopies on equipment where present installation does create the above-stated safety hazards.

10. Petitioner maintains that the application of 30 CFR 75.1710-1 to all equipment in all areas in its Drake III Mine will result in hazards or risks not otherwise present and therefore requests that its petition herein be granted.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.76-11310 Filed 4-19-76;8:45 am]

[Docket No. M 76-263]

PRATT BROTHERS COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Pratt Brothers Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Sapphire Mine No. 1, Sapphire Mine No. 2, Sapphire Mine No. 3, Sugar Run No. 1 Mine,

and Pratt Brothers No. 1 Mine, Colson, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Sapphire No. 1 Mine is located at Colson, Kentucky, and operates one working section in seam heights of 42 to 46 inches, using a 11RU cutting machine with associated roof bolters and scoops with heights from 28 to 38 inches.

2. Sapphire No. 2 Mine is located at Colson, Kentucky, and operates one working section in seam heights of 40 to 42 inches, using a 7-B cutting machine with associated roof bolter, loader, shuttle car and scoops with heights from 28 to 38 inches.

3. Sapphire No. 3 Mine is located at Colson, Kentucky, and operates one working section in seam heights of 42 to 46 inches, using a 11RU cutting machine with associated roof bolter, loader and shuttle cars with heights from 34 to 38 inches.

4. Sugar Run No. 1 Mine is located at Colson, Kentucky, and operates two working sections in seam heights of 38 to 40 inches using a 11RU cutting machine

with associated roof bolters, loaders, shuttle cars and scoop with heights from 34 to 38 inches.

5. Pratt Brothers No. 1 Mine is located at Colson, Kentucky, and operates one working section in seam heights of 38 to 40 inches, using a 11RU cutting machine with associated roof bolter and scoops with heights from 28 to 38 inches.

6. Petitioner submits that the application of the foregoing provisions of the regulations, if applied to Petitioner's mines, will result in a diminution of safety, and that it will be impossible for it to comply therewith.

7. Petitioner states that it is constantly encountering undulations in the height of its coal seam and that as a result of the undulations in seam height, the likelihood of jamming the canopy against the roof is increased. It is further stated that safe clearance from the roof is not assured in that roof bolts could be sheared or dislodged, thereby creating a greater risk of a roof fall.

8. Petitioner states that cramped and awkward operator positions cause operators to leave cabs more frequently in situations which expose them to hazards of mining equipment.

9. Petitioner states that poor visibility may cause an operator to put his head outside of the equipment, exposing him to the hazards of moving equipment.

10. Much of the equipment used in the foregoing five (5) mines was not manufactured or designed for the installation of canopies, and Petitioner states that it has been unable to construct or purchase suitable canopies without encountering the problems discussed herein.

11. Petitioner states that technology in the industry is not available to design and install canopies on existing equipment which will protect the operator in the conditions described above; insure visibility and safe operability; and prevent the hazards described herein.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.76-11311 Filed 4-19-76;8:45 am]

[Docket No. M 76-264]

SABRINA SEAN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and

Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Sabrina Seam Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Logan County, West Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;
- (4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;
- (5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and
- (6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner has not applied to the Assistant Administrator-Technical Support for approval of devices to be used in lieu of cabs or canopies as permitted by 30 CFR 75.1710-1 since the Petitioner is without knowledge of any alternate devices which would be safe and otherwise suitable for use in its mine.

2. Petitioner submits that both canopies and cabs are incompatible with the present operations of its mine, primarily because of the size of the equipment in relation to the seam height, and that installation of canopies, cabs or any similar device would result in such a serious diminution of safety that the mine would not be able to continue to operate.

3. Petitioner's No. 1 Mine works the Douglas Red Ash coal seam, the average height of which is between 36 and 52 inches.

4. The No. 1 Mine operates one production shift per day utilizing conventional mining methods. Approximately 275 tons of coal are produced each day.

5. Petitioner states that on the basis of present projections it is estimated that there is enough coal for this mine to continue operating for no more than seven or eight months.

6. For purposes of the regulations contained in 30 CFR 75.1710-1, the present mining height in this mine, as measured in accordance with official instructions set forth in Exhibit A,¹ is 24 inches.

7. The requirement under 30 CFR 75.1710-1 for installation of canopies or cabs became applicable to this mine on January 1, 1976.

8. The electric face equipment subject to the regulation in this mine consists of the following:

- (a) One (1) 14 BU 8 Joy Loader;
- (b) One (1) 12 RB Joy Cutting Machine;
- (c) Two (2) 6SC National Mine Shuttle Cars; and
- (d) One (1) 300 Galis Roof Bolting Machine.

9. Petitioner states that the foregoing equipment operates in entries which are 20 feet wide; that there are no adverse rib conditions; and that there is no history of roof falls in any of the face areas.

10. A full roof bolting plan is used in the mine employing 30-inch roof bolts on 5-foot centers in all working areas, and elsewhere as required.

11. The Petitioner avers that it has investigated various methods of installing canopies or cabs, without encountering a single method which would be safe in its mine.

12. There are seven underground employees at Petitioner's No. 1 Mine; these employees are members of the United Mine Workers of America.

13. Petitioner states that each of the employees at the No. 1 Mine has been consulted regarding his ideas and feelings concerning operation of equipment installed with canopies or cabs in this particular mine, and that each of these employees has expressed strenuous objections for reasons of safety.

14. Petitioner states that the safety record of the employees in this mine is excellent, and that not one lost time accident has occurred in the three years that the mine has been in existence.

15. Petitioner states that it does not have an alternate method for achieving the safety results intended by 30 CFR 75.1710-1, but Petitioner maintains that application of 30 CFR 75.1710-1 to Petitioner's No. 1 Mine will result in a diminution of safety to the miners in the mine.

16. Petitioner requests that an investigation be made into the hazards associated with the application of 30 CFR

¹ Said Exhibit, which is attached to the petition herein, is a MESA memorandum relating to "Instructions Concerning the Enforcement of Section 75.1710-1, Cabs or Canopies, 30 CFR 75." It is available for inspection at the Hearings Division address provided herein.

75.1710-1 to its No. 1 Mine, and, after appropriate investigation and consideration, that its petition be granted.

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

[FR Doc. 76-11312 Filed 4-19-76; 8:45 am]

[Docket No. M 76-262]

TRASH DUMP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 861(c) (1970), Trash Dump Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Lyon coal bed seam, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

- (1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;
- (2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;
- (3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches, and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner is operator of the Lyons coal bed mine, Wise County, Virginia.

2. Petitioner seeks a modification of the foregoing standard with respect to use of the following machinery in low coal: a model DE, 25½ inch high. Acme roof bolter; and model 16S, 25 inch high, Kersey scoops.

3. Petitioner alleges that, with respect to said roof bolter, the operator must crawl alongside the machine as it is trammed in low coal and that a canopy might catch the roof or floor while so tramping, resulting in an accident.

4. Petitioner maintains that said roof bolter under present conditions, when operating without a canopy, rubs against the roof in places.

5. Petitioner maintains that a canopy over the operator's compartment of its scoops would limit the operator's field of vision, increasing the chances of an accident, and would increase the height of the equipment, possibly resulting in an accident from contact with the roof.

6. The Lyons coal bed mine is just starting; the mining height of the coal bed at present ranges from 30-31 inches; and a map enclosed with the petition illustrates that the mining height will be lower in some areas of the mine.¹

Request for Hearing or Comments. Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 20, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: April 13, 1976.

BRUCE A. BURNS,
Acting Director, Office of
Hearings and Appeals.

[FR Doc.76-11313 Filed 4-19-76; 8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

LONG PARK RESERVOIR

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture, has prepared a draft environmental statement for the proposed Long Park Reservoir, Ashley National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-76-14.

A draft environmental statement has been prepared on the proposed Long Park Reservoir on the Ashley National Forest. The proposed project provides for constructing an earth filled dam approximately 110 feet high and 790 feet long. It will be located at Long Park in Section 13, 14, and 15, T. 2N., R. 18E. on National Forest lands within Daggett County, Utah.

The offstream reservoir will receive water through an existing diversion dam and canal system. About five miles of Lower Sheep Creek Canal would be enlarged. The reservoir capacity will be about 13,700 acre feet with a surface area of 400 acres.

Water will be used as supplemental irrigation for 7,000 acres of farm land, municipal and industrial, recreation, and wildlife purposes.

Three reservoir lakes within the Weyman Park Wilderness Study Area will be stabilized and storage transferred to the Long Park Reservoir. In addition, the applicant will make available annually to the Utah Division of Wildlife Resources about 720 acre feet of water for stream flow to enhance the fishery habitat at Lower Sheep Creek.

This draft environmental statement was transmitted to CEQ on April 12, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

Regional Planning Office, USDA, Forest Service, Federal Building, Room 4408, 324-25th Street, Ogden, Utah 84403.

Forest Supervisor, Ashley National Forest, 437 East Main, Vernal, Utah 84078.

District Forest Ranger, Flaming Gorge Ranger District, Dutch John Unit, P.O. Box 157, Dutch John, Utah 84023.

A limited number of single copies are available upon request to Forest Supervisor Robert A. Rowen, Ashley National Forest, 437 East Main, Vernal, Utah 84078.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert A. Rowen, Ashley National Forest, 437 East Main, Vernal, Utah 84078 by June 11, 1976, in order to

be considered in the preparation of the final environmental statement.

Dated: April 12, 1976.

P. M. REES,
Director, Regional Planning
and Budget.

[FR Doc.76-11299 Filed 4-19-76; 8:45 am]

TRAPPER-SIOUXON PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Trapper-Siouxon Planning Unit, Gifford Pinchot National Forest, Washington. USDA-FS-R6-DES-(Adm)-76-11.

The environmental statement concerns a revised land use plan for the Trapper-Siouxon Planning Unit. The proposed action describes how the various resources of the Unit would be used and what the output for each resource is expected to be.

This draft environmental statement was transmitted to CEQ on April 13, 1976.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3230, 12th St. & Independence Ave., S.W., Washington, D.C. 20250.

USDA, Forest Service, Pacific Northwest Region, 319 S.W. Pine Street, Portland, OR 97204.

Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, WA 98660.

A limited number of single copies are available upon request to Forest Supervisor, Robert D. Tokarczyk, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert D. Tokarczyk, Forest Supervisor, Gifford Pinchot National Forest, 500 West 12th Street, Vancouver, Washington 98660. Comments must be received by June 15, 1976, in order to be considered in the preparation of the final environmental statement.

Dated: April 13, 1976.

ROBERT R. TYRREL,
Director, Planning, Programming
and Budgeting.

[FR Doc.76-11300 Filed 4-19-76; 8:45 am]

¹ The petition is supported by two maps, a mine map of the Lyons seam, and a seam map, both of which are available for inspection at the Hearings Division address, listed herein.

**Rural Electrification Administration
WESTERN FARMERS ELECTRIC
COOPERATIVE, INC.**

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005. This loan application, together with funds from other sources, includes financing for a 280 MW combined-cycle generating unit at Anadarko, Oklahoma.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4322, or at Western Farmers Electric Cooperative, Inc., P.O. Box 429, Anadarko, Oklahoma 73005.

Final REA action may be taken with respect to this matter after thirty (30) days.

Any loan which may be pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final REA action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 14th day of April 1976.

DAVID H. ASKEGAARD,
*Acting Administrator, Rural
Electrification Administration.*

[FR Doc.76-11296 Filed 4-19-76; 8:45 am]

DEPARTMENT OF COMMERCE

**Domestic and International Business
Administration**

**NUMERICALLY CONTROLLED MACHINE
TOOL TECHNICAL ADVISORY COMMITTEE**

**Rescheduled Meeting—Notice of Partially
Closed Meeting**

On March 4, 1976, there was published in the FEDERAL REGISTER (41 FR 9410) a notice of partially closed meeting of the Numerically Controlled Machine Tool Technical Advisory Committee. Notice is hereby given of an amendment to this earlier notice of meeting. The scheduled meeting of the Numerically Controlled Machine Tool Technical Advisory Committee will take place on May 26 and May 27, 1976, instead of on May 27 alone. The meeting will begin at 9:30

a.m. on May 26 in Room 4833, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. The agenda for the May 26th session of the meeting will be a discussion of matters properly classified under Executive Order 11652, dealing with the U.S. and COMCON control program and strategic criteria related thereto. Accordingly, it will be held in Executive Session.

The May 27th session will take place in Room 3817, Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. The agenda remains the same as that announced in the earlier notice of meeting. However, the May 27th session will begin at 9:30 a.m. instead of at 8:30 a.m., as previously announced.

The statement in the March 4 notice of partially closed meeting regarding the closing to the public of the Executive Session of the meeting because it will be concerned with matters listed in 5 U.S.C. 552(b)(1), i.e., it is specifically required by Executive Order 11652 that they be kept confidential in the interest of the national security, applies both to the Executive Session to be held on May 26, and the one to be held on May 27.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202/377-4196.

Dated: April 15, 1976.

RAUER H. MEYER,
*Director, Office of Export Administration,
Bureau of East-West Trade, U.S. Department
of Commerce.*

[FR Doc.76-11388 Filed 4-19-76; 8:45 am]

**DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE**

**Alcohol, Drug Abuse, and Mental Health
Administration**

ADVISORY COMMITTEES

Meetings

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following National Advisory bodies scheduled to assemble during the month of May 1976:

**INTERAGENCY COMMITTEE ON FEDERAL
ACTIVITIES FOR ALCOHOL ABUSE & AL-
COHOLISM**

May 17-18—Open Meeting.

May 17, 1:30 p.m.

May 18, 9:00 a.m.

HEW North Building, Conference Room 113, 330 Independence Ave., S.W., Washington, D.C.

Contact: Helen Osheroff, Parklawn Building, Room 14C-04, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3765.

Purpose: The Interagency Committee on Federal Activities for Alcohol Abuse

and Alcoholism (1) evaluates the adequacy and technical soundness of all Federal programs and activities which relate to alcohol abuse and alcoholism and provides for the communication and exchange of information necessary to maintain the coordination and effectiveness of such programs and activities, and (2) seeks to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws.

Agenda: This meeting will be open to the public. On May 17, there will be an orientation to include mandate of Committee and a presentation by each government participant of the activities ongoing in his particular Department, Agency or Office related to alcohol abuse and alcoholism. On May 18, there will be discussion and determination and selection by each Agency represented of a specific coordinating action task to be taken in conjunction with at least one other Agency and to be accomplished prior to the next meeting.

**MENTAL HEALTH SERVICES RESEARCH
REVIEW COMMITTEE**

May 24-26; 9:00 a.m.

National 4-H Foundation; 7100 Connecticut Av., Chevy Chase, Maryland. Open—May 24, 9:00-9:30 a.m.

Closed—Otherwise.

Contact: James Cumiskey, Parklawn Building, Room 11C-17, 5600 Fishers Lane, Rockville, Maryland, 20852, 301-443-3765.

Purpose: The Committee is charged with the initial review of grant application for Federal assistance in the program areas administered by the National Institute of Mental Health relating to mental health services research and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 9:30 a.m., May 24, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix I).

**CRIME AND DELINQUENCY REVIEW
COMMITTEE**

May 27-28; 9:00 a.m.

Plaza Room, Dupont Plaza Hotel, 1500 New Hampshire Avenue, N.W., Washington, D.C.

Open—May 27, 9:00-10:15 a.m.

Closed—Otherwise.

Contact: Carol Beall, Parklawn Building, Room 18C-03, 5600 Fishers Lane, Rockville, Maryland, 20852, 301-443-3728.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health relating to research and training activities in crime and delinquency, law and mental health interactions, and individual violent behavior and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:00 to 10:15 a.m., May 27, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of Section 552(b)(5) and 552(b)(6), Title 5 U.S. Code and Section 10(d) of Public Law 92-463 (5 U.S.C. Appendix D).

Substantive information may be obtained from the contact persons listed above.

The NIAAA Information Officer who will furnish summaries of the meeting and rosters of the Committee members is Mr. Harry C. Bell, Associate Director for Public Affairs, NIAAA, Room 6C-15, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3306. The NIMH Information Officer who will furnish summaries of the meetings and rosters of the committee members is Mr. Edwin Long, Deputy Director, Division of Scientific and Public Information, NIMH, Room 15-105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, 301-443-3600.

Dated: April 14, 1976.

CAROLYN T. EVANS,
Committee Management Officer,
Alcohol, Drug Abuse, and
Mental Health Administration.

[FR Dec.76-11294 Filed 4-19-76;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

This notice announces forthcoming meetings of the public advisory committees of the Food and Drug Administration. It also sets out a summary of the procedures governing the committee meetings and the methods by which interested persons may participate in the open public hearings conducted by the committees. The notice is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)). The following advisory committee meetings are announced:

Committee name	Date, time, and place	Type of meeting and contact person
1. Science Advisory Board to the National Center for Toxicological Research.	May 4 and 5, 8:30 a.m., Lecture Room, Building 12, National Center of Toxicological Research, Jefferson, Ark., on May 4; on May 5, at the Camelot Inn, Little Rock, Ark.	Open public hearing May 4, 8:30 to 9:30 a.m.; open committee discussion May 4, 9:30 a.m. to adjournment on May 5; A. K. Davis, Ph. D., National Center for Toxicological Research, Jefferson, Ark. 72079, 501-536-6200.

General function of the committee. Advises on establishment and implementation of a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views,

orally or in writing, on issues pending before the committee.

Open committee discussion. Scientific program summaries and response to Science Advisory Board recommendations; hormone carcinogenesis program; introduction to poster sessions for program activities; subcommittee consultation with NCTR staff; new programs—immunology; subcommittee reports; formulation of recommendations.

Committee name	Date, time, and place	Type of meeting and contact person
2. Panel on Review of Orthopedic Devices.	May 5, 9 a.m., Chase Park Plaza Hotel, Lucas Room, St. Louis, Mo.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 5 p.m.; James G. Dillon, Ph. D. (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7238.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are invited to present pertinent information during the open portion of the meeting. Parties interested in making presentations should contact

James G. Dillon, Ph.D., Associate Executive Secretary.

Open committee discussion. The following topics will be addressed at the meeting: (1) Standards development and product development protocols concerning medical devices, by Tim Hubbard (Zimmer); (2) cruciate ligament protocol development; (3) air tourniquet standards; (4) general controls and exempt devices; and (5) specific device hazard listing.

Committee name	Date, time, and place	Type of meeting and contact person
3. Panel on Review of Blood and Blood Derivatives.	May 5 and 6, 9 a.m., Room 121, NIH, Building 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing May 5, 9 a.m. to 12:30 p.m.; open committee discussion May 5, 1:30 to 5 p.m.; closed committee deliberations May 6, 8:30 a.m. to 5 p.m.; Clay Sisk (HFB)-5, 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the safety and effectiveness of certain plasma fractionation products: (1) Fibrinogen (Human); (2) Antihemophilic Factor (Human); (3) Factor IX Complex (Human); (4) Normal Serum Albumin (Human); (5) Plasma Protein

Fraction (Human); and (6) Rho (D) Immune Globulin (Human).

Closed committee deliberations. Review of data submission from producers of plasma fractionation products including: Fibrinogen (Human); Antihemophilic Factor (Human); Factor IX Complex (Human); Normal Serum Albumin (Human); Plasma Protein Fraction (Human); and Rho (D) Immune Globulin (Human).

This portion of the meeting will be closed to permit discussion of trade secret data and to allow for the free exchange of internal views and formulation of recommendations (5 U.S.C. 552 (b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
4. Panel on Review of Oral Cavity Drug Products.	May 6 and 7, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 6, 9 to 10 a.m.; closed committee deliberations May 6, 10 a.m. to 4:30 p.m., May 7, 9 a.m. to 4:30 p.m.; John T. McElroy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drug products) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas, and formulation process data, sales data, and, in some cases, portions of pending or approved new

drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims. This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
5. Obstetrics and Gynecology Advisory Committee.	May 6 and 7, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 6, 9 to 10 a.m.; open committee discussion May 6, 10 a.m. to 1 p.m.; closed committee deliberations May 6, 1 to 3 p.m.; open committee discussion May 7, 10 a.m. to 1 p.m.; closed committee deliberations May 7, 1 to 3 p.m.; A. T. Gregoire, Ph. D. (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally, or in writing, on issues pending before the committee.

Open committee discussion. Discussion of the use of ethanol in the prevention of premature labor; clomid—outcome of pregnancies; progesterone sup-

positories for the treatment of luteal phase deficiencies; and the postcoital Copper T.

Closed committee deliberations. Discussion of subjects shown in open session above. This portion of the meeting will be closed to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
6. Panel on Review of Miscellaneous Internal Drug Products.	May 9 and 10, 9 a.m. on May 10, Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations May 9, 9 a.m. to 4:30 p.m.; open public hearing May 10, 9 to 10 a.m.; closed committee deliberations May 10, 10 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drugs) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas, sales data, and a portion of an approved new drug application (NDA).

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
7. Diagnostic Products Advisory Committee.	May 10 and 11, 9 a.m., Room 1137, HEW-N, 330 Independence Ave. SW., Washington, D.C.	Open public hearing May 10, 9 to 10 a.m.; open committee discussion May 10, 10 a.m. to 5 p.m.; May 11, 9 a.m. to 5 p.m.; Eloise Eavenson, Ph. D. (HFK-200), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7178.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of products currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the tentative classification of in vitro diagnostic products listed in this announcement to Dr. Eloise Eavenson, Executive Secretary.

All products tentatively classified by the following in vitro diagnostic product subcommittees will be reviewed; (1) Clinical Chemistry; (2) Microbiology; (3) Immunology; (4) Toxicology; (5) Hematology/Pathology. Additionally, interested parties are encouraged to present information pertinent to the open discussion agenda items in this announcement.

Open committee discussion. The Diagnostic Products Advisory Committee will review and discuss products tentatively classified by each of the subcommittees. The status of the proposed glucose product class standard and the evaluation protocol will be discussed. Information and approaches being used for the development of proposed product class standards for glucose, calibrators, hemoglobin, nontreponemal syphilis, and rubella will be reviewed. A review of subcommittee activities will be presented.

Those persons desiring to make formal presentations should notify Dr. Eloise Eavenson, in writing, by May 1, 1976, and submit a brief statement on the evidence or arguments they wish to present, including any data or references, the names and addresses of proposed participants, and also an indication of the approximate time required to make their comments.

Committee name	Date, time, and place	Type of meeting and contact person
8. Panel on Review of Dentifrices and Dental Care Agents.	May 11 and 12, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 11, 9 to 10 a.m.; closed committee deliberations May 11, 10 a.m. to 4:20 p.m.; May 12, 9 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-442-4660.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will be reviewing, voting upon, and modifying draft #2 of its final report in preparation for submission to the Commissioner of Food and Drugs.

This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with panel operations (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
9. Cardiovascular and Renal Advisory Committee.	May 11 and 12, 9 a.m., Conference Room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion May 11, 9 a.m. to 3 p.m.; closed committee deliberations May 11, 3 to 5 p.m.; open public hearing May 12, 9 to 10 a.m.; open committee discussion May 12, 10 a.m. to 1 p.m.; closed committee deliberations May 12, 1:20 to 2:30 p.m.; Joan C. Standart (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-442-4720.

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescrip-

tion drugs for use in cardiovascular and renal disorders.

Agenda—Open committee discussion. Discussion of the current medical status

of aldactazide and guideline protocols for antihypertensive, antiarrhythmic and anti-anginal drugs.

Closed committee deliberations. Discussion of subjects shown in open session. This portion of the meeting will be closed to protect the free exchange

of internal views and for formulation of committee recommendations (5 U.S.C. 552(b) (5)).

Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
10. Orthotic/Prosthetic Subcommittee of the Panel on Review of Physical Medicine (Physiatry) Devices.	May 13 and 14, 9 a.m., Denver Frown Palace, Denver, Colo.	Open public hearing May 13, 9 to 10 a.m.; open committee discussion May 13, 10 a.m. to 5 p.m., May 14, 9 a.m. to 5 p.m.; Johnnie W. Bailey (HFK-440), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7234.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of external orthotic/prosthetic devices listed in this announcement to

Johnnie W. Bailey, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. Discussions will be held for standards on adaptive hand-driving controls, knee units (modular), ankle/foot assembly and wheelchairs. Priorities of remaining devices for standards development and specific areas will be identified.

Committee name	Date, time, and place	Type of meeting and contact person
11. Implants Subcommittee of the Panel on Review of Cardiovascular Devices.	May 14, 9 a.m., Room 4131, HEW-N. 330 Independence Ave. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 3 p.m.; closed committee deliberations 3 to 4 p.m.; Glenn A. Rahmoe'ler (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulations.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of vascular graft prostheses to Glenn A. Rahmoe'ler, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Open committee discussion. The Cardiovascular Device Panel has tentatively classified vascular graft prostheses smaller than 6 millimeters (mm) diameter in the premarket approval category and those larger than 6mm diameter in the standards category.

Several guest speakers have been invited to present their views concerning the safety and efficacy of these devices, their classification, and data with which standards could be written if standards are appropriate. The open committee discussion will consist of these presentations and an opportunity for the subcommittee members and the public to ask questions.

Closed committee deliberations. The subcommittee members will review the material presented during the open sessions and will make specific recommendations concerning the classification of these devices and appropriate standards. This part of the meeting will be closed to protect the free exchange of internal views (5 U.S.C. 552(b) (5)).

Committee name	Date, time, and place	Type of meeting and contact person
12. Panel on Review of Anti-microbial Agents.	May 14, 15, and 16, Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 14, 9 to 10 a.m.; closed committee deliberations May 14, 10 a.m. to 4:30 p.m., May 15 and 16, 9 a.m. to 4:30 p.m.; Armond M. Welch (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drugs) review's call for data for this panel (see also 21 CFR 330.10(a)

(2)). Discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
13. Panel on Review of Miscellaneous External Drug Products.	May 16 and 17, 9 a.m. on May 17, Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed committee deliberations May 16, 9 a.m. to 4:30 p.m.; open public hearing May 17, 9 to 10 a.m.; closed committee deliberations May 17, 10 a.m. to 4:30 p.m.; Michael D. Kennedy (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drugs) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas, sales data, process data, and formulation and, in some cases, portions of pending or approved new drug applications (NDA's). Also, discussions relating to labeling, drug class standards, and testing will

often be intermixed with discussion of formulas, sales data or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
14. Panel on Review of Bacterial Vaccines and Toxoids.	May 17 and 18, Room 121, NIH, Bldg. 29, 8800 Rockville Pike, Bethesda, Md.	Open public hearing May 17, 9 to 10 a.m.; open committee discussion May 17, 10 a.m. to 4 p.m.; May 18, 9 to 11 a.m.; closed committee deliberations May 18, 11 a.m. to 4 p.m.; Jack Gertzog (HFB-5), 8800 Rockville Pike, Bethesda, Md. 20014, 301-496-4545.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of biological products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Previous meeting's minutes; communications received; comments from observers; discussion of generic statement for Pertussis immune globulin, of generic state-

ment for diphtheria antitoxin, and of position statement on labeling.

Closed committee deliberations. Continued review of the following specific products: Tetanus antitoxin, diphtheria antitoxin, botulin antitoxin, pertussis, immune globulin. Data submissions, possibly including trade secret information, will be reviewed. This portion of the meeting will be closed to protect the free exchange of internal views and trade secrets and to avoid undue interference with committee operations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
15. Toxicology Advisory Committee.	May 17 and 18, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open committee discussion May 17, 9 a.m. to 1 p.m.; open public hearing May 17, 1 to 2 p.m.; open committee discussion May 17, 2 to 4:30 p.m.; May 18, 9 a.m. to 1 p.m.; open public hearing May 18, 1 to 2 p.m.; open committee discussion May 18, 2 to 3 p.m.; Jeffrey A. Staffa, Ph. D. (HFS-50), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4490.

General function of the committee. Reviews and evaluates available data relating to the evaluation of the safety of chemicals present in food, drugs, cosmetics, and medical devices. Advises on the safety of specific human drugs, animal drugs, color and food additives, cosmetic components, and components of devices. Recommends the development of standardized methodologies for the toxicity testing of such materials.

Agenda—Open committee discussion. Consideration of scientific issues involved in the metabolism of animal drugs and discussion of lead in baby and infant foods.

Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Committee name	Date, time, and place	Type of meeting and contact person
16. Panel on Review of Ear, Nose, and Throat Devices.	May 18, 9:30 a.m., Holiday Inn, Spring Room East (4th floor), 8777 Georgia Ave., Silver Spring, Md.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 4:30 p.m.; Harry R. Sauberman, P.E. (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. The entire meeting will be held in open session. Interested parties are encouraged to present information pertinent to the committee discussions listed in this announcement to Harry R. Sauberman, P.E., Executive Secretary.

Open committee discussion. The Ear, Nose, and Throat Panel will continue its review of high priority devices that have been placed in the standards category: Hearing aids, nystagmographs, auditory impedance testers, facial nerve stimulators, and hearing aid and audiometer calibration sets. Clinical information and

data will be reviewed by the panel in order to address: (1) Identification of potential health risks or lack of efficacy in the use of these devices; and (2) identification of criteria for the development of safety and performance standards.

The panel will review the state-of-the-art of electrocochleography as a clinical technique and will classify electrocochleographic devices into a regulatory category.

The status of the proposed ANSI (American National Standards Institute) standard for hearing aids will also be reviewed at this meeting.

Representatives of the concerned public, professional associations, and medical device industries are invited to participate in these discussions.

Committee name	Date, time, and place	Type of meeting and contact person
17. Subcommittee on Hearing Aids and Audiometric Devices of the Panel on Review of Ear, Nose, and Throat Devices.	May 19, 9:30 a.m., Holiday Inn, Spring Room East (4th floor), 8777 Georgia Ave., Silver Spring, Md.	Open public hearing 9:30 to 10:30 a.m.; open committee discussion 10:30 a.m. to 4:30 p.m.; Harry R. Sauberman, P.E. (HFK-450), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. The entire meeting will be held in open session. Interested parties are encouraged to present information pertinent to the subcommittee discussions listed in this announcement to Harry R. Sauberman, P.E., Executive Secretary.

Open committee discussion. At this second meeting, the Hearing Aids and

Audiometric Subcommittee will consider two main items: (1) A comparison of the proposed ANSI (American National Standards Institute) standard for audiometers with the existing standard; and (2) discussion of the technical characteristics of auditory trainers directed toward comments and recommendations regarding the development of performance standards for these devices. The subcommittee invites the participation of representatives of the concerned public, professional associations, and medical device industries in these discussions.

Committee name	Date, time, and place	Type of meeting and contact person
18. Panel on Review of Topical Analgesics.	May 19 and 20, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 19, 9 to 10 a.m.; closed committee deliberations May 19, 10 a.m. to 4:30 p.m., May 20, 9 a.m. to 4:30 p.m.; Lee Geismar (HFD-510), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of nonprescription drug products.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Closed committee deliberations. The panel will review data submitted in confidence pursuant to the OTC (over-the-counter drugs) review's call for data for this panel (see also 21 CFR 330.10(a)(2)). This will include product names, formulas and formulation process data, sales data, and, in some cases, portions of pending or approved new drug appli-

cations (NDA's). Also, discussions relating to labeling, drug class standards, and testing will often be intermixed with discussion of formulas, sales data, or NDA material in such a way that the two discussions often cannot be separated without seriously impeding the progress of the panel's deliberations.

The panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims.

This portion of the meeting will be closed to permit discussion of trade secret data, to protect the free exchange of internal views, and for formulation of recommendations (5 U.S.C. 552(b)(4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
19. Dental Drug Products Advisory Committee.	May 19 and 20, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 19, 9 to 10 a.m.; open committee discussion May 19, 10 a.m. to 4 p.m., May 20, 9 a.m. to 4 p.m.; Clarence C. Gilkes, D.D.S. (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-8560.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of dentistry.

Agenda—Open public hearing. During this portion any interested person

may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of guidelines for clinical studies of drug products intended to prevent and/or treat caries.

Committee name	Date, time, and place	Type of meeting and contact person
20. Dermatology Advisory Committee.	May 20, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing 9 a.m. to 12 p.m.; open committee discussion 1 to 3:30 p.m.; closed committee deliberations 3:30 to 4:30 p.m.; Mary K. Bruch (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4310.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in dermatology.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Agenda—Open public hearing/open committee discussion. Orientation of new committee membership; welcoming statements by FDA officials; explanation of committee procedures and conflict of interest considerations by FDA officials; discussion of business to be presented to the committee. Time will be allotted for

any interested person to present data, information, or views, orally or in writing, on issues pending before the committee. The committee will discuss the use of Psoralens and ultra-violet light in treatment of psoriasis. There will be presentations by Drs. Thomas Fitzpatrick, John Parrish and Madhukar Pathek, Harvard Medical School; Dr. Judith Coakley, Bureau of Radiological Health, FDA; Dr. Fred Urbach, Temple University School of Medicine.

Closed committee deliberations. Discussion of subjects shown in open session above. This portion of the meeting will be closed to permit the free exchange of internal views and to avoid undue interference with agency operations (5 U.S.C. 552(b)(5)).

Committee name	Date, time, and place	Type of meeting and contact person
21. Pulmonary Functions and Respiratory Disease Subcommittee of the Panel on Review of Anesthesiology Devices.	May 20, 9 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open public hearing 9 to 10 a.m.; open committee discussion 10 a.m. to 4 p.m.; Franklyn K. Coombs (HFK-400), 8757 Georgia Ave., Silver Spring, Md. 20910, 301-427-7226.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested parties are encouraged to present information pertinent to the classification of extracorporeal oxygenation devices listed in this announcement to Franklyn K. Coombs, Executive Secretary. Submission of data relative to tentative classification findings is also invited.

Theodore Kolobow, M.D., Chief of Cardiopulmonary Assist Devices, National

Heart and Lung Institute, National Institutes of Health, will discuss long-term respiratory assistance through the use of extracorporeal oxygenation. The panel plans to include extracorporeal oxygenation devices on its lists.

Open committee discussion. The subcommittee will review the device list to assure that it is representative of the devices in the pulmonary function/respiratory therapy field. The classification process will continue in an effort to complete this device list. A priority scheme will be used to assign standards development priorities.

Committee name	Date, time, and place	Type of meeting and contact person
22. Arthritis Advisory Committee.	May 20 and 21, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 20, 9 to 10 a.m.; open committee discussion May 20, 10 a.m. to 12 m.; closed committee deliberations May 20, 12 m. to 2:30 p.m.; closed presentation of data May 20, 2:30 to 3:30 p.m.; closed committee deliberations May 20, 3:30 to 5 p.m.; closed presentation of data May 21, 9 to 11 a.m.; closed committee deliberations May 21, 11 a.m. to 12:30 p.m.; C. H. Maxwell, M.D. (HFD-150), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-5197.

General function of the committee. Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in arthritic conditions.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally, or in writing, on issues pending before the committee.

Open committee discussion. Discussion of drug studies in children (Dr. Finkel); guidelines for the evaluation of non-steroidal anti-inflammatory drugs in infants and children (Dr. Schaller); testing of non-steroidal anti-inflammatory drugs in infants and children (Dr. Earl J. Brewer); status of the evaluation of specific drugs for use in infants and children (Dr. Schaller).

Closed presentation of data. Presentation by sponsors on investigational new drug (IND) 5,359 (Sandoz); IND 10,437 (Lilly); and IND 10,132 (Janssen). These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552(b) (4)).

Closed committee deliberations. Discussion of material presented in open

session, discussion of pending IND's and new drug applications (NDA's), and discussion of data presented by sponsors. These portions of the meeting will be closed to permit discussion of trade secret data and to protect the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (4) and (5)).

Committee name	Date, time, and place	Type of meeting and contact person
23. Endocrinology and Metabolism Advisory Committee	May 20 and 21, 9 a.m., Conference Room G-H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing May 20, 9 to 10 a.m.; open committee discussion May 20, 10 a.m. to 3 p.m.; closed committee deliberations May 20, 3 to 5 p.m.; open committee discussion May 21, 10 a.m. to 3 p.m.; closed committee deliberations May 21, 3 to 5 p.m.; A. T. Gregoire, Ph.D., (HFD-130), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3510

General function of the committee. Reviews and evaluates available data concerning safety and effectiveness of marketed and investigational prescription drugs for use in endocrine and metabolic disorders.

Agenda—Open public hearing. During this portion any interested person may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Discussion of B-Tinic (NDA 17-805) and B-Tinic and Iron (NDA 17-827); proposed labeling of marketed lipid-lowering agents; report to the committee on the draft of pediatric guidelines for investigation of lipid-lowering agents; and preclinical toxicity studies of lipid-lowering drugs.

Closed committee deliberations. Discussion of subjects shown in open session above. This portion of the meeting will be closed to permit the free exchange of internal views and for formulation of recommendations (5 U.S.C. 552(b) (5)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate discussion.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. Both the Federal Advisory Committee Act and 5 U.S.C. 552(b) permit such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed shall, however, be closed for the shortest time possible consistent with the intent of the cited statutes.

Generally, FDA advisory committees will be closed because the subject matter is exempt from public disclosure under 5 U.S.C. 552(b) (4), (5), (6), or (7), although on occasion the other exemptions listed in 5 U.S.C. 552(b) may also apply. Thus, a portion of a meeting may be closed where the matter involves a trade secret; commercial or financial information that is privileged or confidential; personnel, medical, and similar files, disclosure of which could be an unwarranted invasion of personal privacy; and investigatory files compiled for law enforcement purposes. A portion of a meeting may also be closed if the Commissioner determines: (1) That it involves inter-agency or intra-agency memoranda or discussion and deliberations of matters that, if in writing would constitute such memoranda, and which would, therefore, be exempt from public disclosure; and (2) that it is essential to close such portion of a meeting to protect the free exchange of internal views and to avoid undue interference with agency or committee operations.

Examples of matters to be considered at closed portions are those related to

the review, discussion, evaluation or ranking of grant applications; the review, discussion, and evaluation of specific drugs or devices; the deliberation and voting relative to the formation of specific regulatory recommendations (general discussion, however, will generally be done during the open committee discussion portion of the meeting); review of trade secrets or confidential data; consideration of matters involving FDA investigatory files; and review of medical records of individuals.

Examples of matters that ordinarily will be considered at open meetings are those related to the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices, consideration of labeling requirements for a class of marketed drugs and devices, review of data and information on specific investigational or marketed drugs and devices that have previously been made public, and presentation of any other data or information that is not exempt from public disclosure.

Dated: April 12, 1976.

A. M. SCHMIDT,
Commissioner of Food and Drugs.
[FR Doc.76-11151 Filed 4-19-76; 8:45 am]

Food and Drug Administration ARTHRITIS ADVISORY COMMITTEE Notice of Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. D)), the Food and Drug Administration announces the renewal of the Arthritis Advisory Committee by the Secretary, Department of Health, Education, and Welfare for an additional period of 2 years beyond April 5, 1976.

Authority for this committee will expire April 5, 1978, unless the Secretary formally determines that continuation is in the public interest.

Dated: April 14, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-11293 Filed 4-19-76; 8:45 am]

PANEL ON REVIEW OF DENTAL DEVICES Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, which was published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the report of the Dental Panel's classification results. This report contains the tentative classification conclusions of the Dental Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification of each device.

Copies of the report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk, Food and Drug Administration, and may be viewed at that office during working hours, Monday through Friday.

Dated: April 14, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-11290 Filed 4-19-76;8:45 am]

PANEL ON REVIEW OF GASTROENTERO- LOGIC-UROLOGIC DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, which was published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the report of the Gastroenterology-Urology Panel's classification results. This report contains the tentative classification conclusions of the Gastroenterology-Urology Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device.

Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk, Food and Drug Administration, and may be viewed at that office during working hours, Monday through Friday.

Dated: April 14, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-11291 Filed 4-19-76;8:45 am]

PANEL ON REVIEW OF RADIOLOGY DEVICES

Availability of Panel Report

In accordance with the provisions of a notice to manufacturers concerning medical device classification procedures, which was published in the FEDERAL REGISTER of May 19, 1975 (40 FR 21848), the Food and Drug Administration announces the availability of the report of the Radiology Panel's classification results. This report contains the tentative classification conclusions of the Radiology Panel and includes a list of the devices reviewed, the answers to the classification logic scheme questions, and the recommended classification for each device.

Copies of this report are available upon request from the office of the Hearing Clerk, Food and Drug Administration,

Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. In addition, this report has been placed on public display at the office of the Hearing Clerk, Food and Drug Administration, and may be viewed at that office during working hours, Monday through Friday.

Dated: April 14, 1976.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.76-11292 Filed 4-19-76;8:45 am]

Office of the Secretary PRIVACY ACT OF 1974

System of Records and Notice of Proposed Routine Uses Thereof

Pursuant to provisions of the Privacy Act of 1974 (P.L. 93-579) 5 U.S.C. 552a (4), the following notice, which contains additional proposed routine uses and other amendments and clarifications regarding records in the Parent Locator System is being republished. The new or modified portions are italicized.

The proposed routine uses would permit the Secretary to release information about individuals to other Federal or State agencies in order to carry out his responsibilities for the Parent Locator System under Part D of Title IV of the Social Security Act. Consideration in accordance with the requirements of 5 U.S.C. 552a(e) (11) will be given to comments on the proposed routine uses which are submitted in writing on or before the 30th day following the date of publication of this notice.

Public comments should be addressed to the Director, Fair Information Practice Staff, Department of Health, Education, and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. Comments received will be available for inspection in Room 4513, at the above address.

Dated: April 14, 1976.

JOHN OTINA,
Assistant Secretary for
Administration and Management.

NOTIFICATION SYSTEM OF RECORDS RE- QUIRED BY THE PRIVACY ACT OF 1974 OCSE PLS 1.02

System Name.

Federal Parent Locator System. HEW OCSE.

Security Classification.

None.

System Location.

Office of Child Support Enforcement, Department of Health, Education, and Welfare, 330 C Street, S.W., Washington, D.C. 20201.

Categories of Individuals Covered by the System.

Records are maintained on parents being sought for the purpose of establish-

ing or enforcing support obligations against such a parent.

Categories of Records in the System.

Name, Social Security Number, date of birth, place of birth, mother's maiden name, father's full name, State case identification number, local identification number (State use only), State originating request, type of case (AFDC, non-AFDC full service, non-AFDC locate only), date requests sent to Federal departments, date of Federal departments' responses, and indication of the type of information received; such as last home or employer address was returned, and/or a Social Security Number was returned from the Social Security Administration. The actual information returned pursuant to a request is retained in a separate file long enough to communicate that information to the State. (See Retention and disposal section below.)

Authority for Maintenance of the System.

Public Law 93-647.

Routine Uses of records maintained in the system, including Categories of Users and the Purposes of such uses. The Federal Parent Locator Service will use the records maintained in the system to:

(1) Request the most recent home address and/or place of employment from any department, agency, or instrumentality of the Federal government or State which might have such records in its files;

(2) Provide the most recent home address, most recent place of employment, and Social Security Number to the appropriate IV-D agency for its use in locating absent parents to establish or enforce a child support obligation.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.

Storage.

PLS records are maintained on disk, magnetic tape, and hard copy. The record is defined as a request for address information.

Retrievability.

System records can be accessed by either a State assigned case identification number or Social Security Number.

Safeguards.

All requests must be certified by the State IV-D agency such that: (1) they are being made to locate an absent parent for the purpose of establishing paternity or securing child support and for no other purpose; (2) the State IV-D agency has made diligent and reasonable efforts to find the absent parent and cannot locate the person. (See 45 CFR 303.3); (3) the State IV-D agency has in effect protective measures to safeguard the personal information being transferred and received from the Federal Parent Locator Service; and (4) the State IV-D agency will use or disclose

this information for the purposes prescribed in 45 CFR 302.18. All personnel, Federal employees and contractors, are required to take a non-disclosure of information oath. All input documents will be inventoried and accounted for. All inputs and outputs will be stored in a locked receptacle in a locked room. All outputs will be labeled 'For Official Use Only' and treated accordingly. Operations control will be vested under a single system manager. Every State using the system will be verified via user ID's. All data files will be protected by unique passwords and security codes. Remote Users have 'write only' system access capabilities. They cannot read any master file or perform any other function on the system.

Retention and Disposal.

Records of address information provided in response to requests from IV-D agencies are maintained only long enough to communicate them to the State. After this time they are destroyed. A record of the request only which includes information provided by the State, Federal agencies contacted and an indication of the type of information returned by Federal agencies but not the information so returned is stored on a history tape. History tapes will be retained for five years.

System Manager(s) and Address.

Director, Office of Child Support Enforcement, Department of Health, Education, and Welfare, 330 C Street, S.W., Washington, D.C. 20201.

Notification Procedure.

Contact the system manager in writing at the above address and provide your name and address. Additional information, such as your Social Security Number, date of birth or mother's maiden name, may be requested by the system manager in order to distinguish between individuals having the same or similar names.

Record Access Procedures.

Same as above.

Contesting Record Procedures.

Individuals that feel the information provided through the above procedures is inaccurate should inform the Federal Parent Locator Service at the address listed for Notification Procedures. The Federal Parent Locator Service will acknowledge this request within ten (10) work days and indicate one of the following:

- the error has been corrected;
- the State child support agency that submitted the original information;
- other steps the individual must follow to correct the inaccuracy.

Record Source Categories.

Information is obtained from departments, agencies, or instrumentalities of the United States or of any State.

Systems Exempted from Certain Provisions of the Act.

None.

[FR Doc.76-11297 Filed 4-19-76;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. D-76-422]

REGIONAL ADMINISTRATORS, ET AL.

Redelegation of Authority With Respect to Property Disposition

The redelegation of authority to Regional Administrators, et al., with respect to Property Disposition (35 FR 16106, Oct. 14, 1970, as amended) is further amended in the following respects:

1. A new section H is added to read as follows:

Sec. H. *Additional Authority Redelegated.* Each Regional Administrator, Deputy Regional Administrator, Area Office Director, Deputy Area Office Director, Insuring Office Director, and Deputy Insuring Office Director is authorized to determine the price (based on as-is fair market value) and terms of sale, and to execute all necessary documents, including instruments of conveyance, with respect to any property acquired by the Secretary in connection with multifamily housing under any title of the National Housing Act (12 USC 1701, et seq.), and housing for the elderly or handicapped under Section 202 of the Housing Act of 1959 (12 USC 1701q), where the sale is to a public housing agency and assistance will be provided by contracts for annual contributions as authorized by Section 5 of the United States Housing Act of 1937, as amended (42 USC 1437c), and as made available by Title I, Public Law 94-116 (42 USC 1437f).

2. The present section H is redesignated section I and is revised to read as follows:

SEC. I. *Exercise of Delegated Authority.* Redelegation of Authority in sections A through H shall not be construed to modify or otherwise affect the administrative and supervisory power of the Regional Administrator, Area Director, and Insuring Office Director, or any of them, to whom a delegate is responsible.

(Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This delegation of authority is effective April 20, 1976.

JAMES L. YOUNG,
Assistant Secretary
for Housing Management.

[FR Doc.76-11379 Filed 4-19-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials Operations UNIROYAL CHEMICAL, ET AL.

Applications for Renewals of Exemptions or Parties to Exemptions

In accordance with the procedures governing the applications for, and the processing of, exemptions from the De-

partment of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B) notice is hereby given that the Office of Hazardous Materials Operations has received applications for renewals of exemptions or parties to exemptions that are described below.

Normally, the modes of transportation would be identified and the nature of application would be described, as in past publications. However, this notice is abbreviated to expedite docketing and public notice. These applications have been separated from the new applications for exemptions because they represent the large majority of applications awaiting disposition.

Complete copies of the applications are available for inspection and copying at the Public Document Room, Office of Hazardous Materials Operations, Department of Transportation, Sixth Floor, Trans Point Building, 2100 Second Street, S.W., Washington, D.C.

Interested persons are invited to submit views or comments with respect to any one or more of the applications. Comments should refer to the application number and be submitted in triplicate to the Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. All comments received before the close of business on May 5, 1976, will be considered and will be available in the docket for inspection and copying, both before and after the closing date.

This notice of receipt of applications for renewals of exemptions or parties to exemptions is published in accordance with section 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)) and the Materials Transportation Bureau's regulations on this subject (49 CFR 107.109(a)), and does not represent any agency decision or other exercise of judgment concerning the merits of the petitions.

Application No.	Applicant	Renewal of special permit (SP)
76-145	Uniroyal Chemical, Naugatuck, Conn.	SP 6154
76-146	Ugine Kuhlman of America, Inc., Englewood Cliffs, N.J., on behalf of Fauvet-Girel, Paris, France.	SP 6932
76-147	Edlow International Co., Washington, D.C.	SP 6870
76-148	3M Co., St. Paul, Minn.	SP 6867
76-149	McDonnell Douglas Corp., St. Louis, Mo.	SP 6232
76-150	Monsanto Research Corp., Miamisburg, Ohio.	SP 3549
76-151	Pacific Molasses Co., San Francisco, Calif.	SP 7008
76-152	Continental Oil Co., Houston, Tex.	SP 6913
76-153	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	SP 6667
76-154	White Chemical Corp., Bayonne, N.J.	SP 4580
76-155	MC/B Manufacturing Chemicals, Norwood, Ohio.	SP 6427
76-156	Superintendence Co., Inc., New York, N.Y., on behalf of Trappak, Ltd., Buckingham, England.	SP 6793
76-157	Dow Chemical USA, Midland, Mich.	SP 6735
76-158	do.	SP 5062
76-159	do.	SP 6526
76-160	American LNG Co., Oak Brook, Ill.	SP 6464
76-161	Bio-Lab, Decatur, Ga.	SP 6267
76-162	do.	SP 6824
76-163	do.	SP 6607
76-164	do.	SP 6632

Applica- tion No.	Applicant	Renewal of special permit (SP)	Applica- tion No.	Applicant	Renewal of special permit (SP)	Applica- tion No.	Applicant	Renewal of special permit (SP)
76-165	Advanced Chemical Tech- nology, City of Industry, Calif.	SP 6637	76-221	do.	SP 5719	76-281	Lithium Corp. of America, Bessemer City, N.C.	USCG 42-75
76-166	Gardner Cryogenics, Bethel- hem, Pa.	SP 5604	76-222	do.	SP 6296	76-282	Breit & Garcia, Naval Archi- tects, New Orleans, La.	USCG 11-74
76-167	Pennwalt Corp., Philadelphia, Pa.	SP 7005	76-223	Petroleum Technology Corp., Redmond, Wash.	SP 6852	76-283	Dow Chemical USA, Free- port, Tex.	USCG 10-73
76-168	Energy Research and Devel- opment Administration (ERDA), Washington, D.C.	SP 3549	76-224	Cities Service Co., Atlanta, Ga.	SP 6070	76-284	S. C. Johnson & Son, Inc., Racine, Wis.	USCG 8-75
76-169	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	SP 6773	76-225	Airco Industrial Gases, Mur- ray Hill, N.J.	SP 6498	76-285	Seatrail Lines, Inc., Wee- bourkin, N.J.	USCG 20-75
76-170	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	SP 5179	76-226	American Hoechst Corp., Somerville, N.J.	SP 4586	76-286	Brown & Root, Inc., Houston, Tex.	USCG 15-70
76-171	Phillips Petroleum Co., Bar- tlesville, Okla.	SP 7017	76-227	Michigan Chemical Corp., Chicago, Ill.	SP 4600	76-287	B&L, Paris, France	USCG 17-75
76-172	MC/B Manufacturing Chem- ists, Norwood, Ohio.	SP 6488	76-228	Uniroyal Chemical, Nauga- tuck, Conn.	SP 6739	76-288	Dow Chemical USA, Mid- land, Mich.	USCG 24-70
76-173	do.	SP 3744	76-229	Air Products & Chemicals, Wayne, Pa.	SP 6825	76-289	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	USCG 5-71
76-174	Chem Service, Inc., West Chester, Pa.	SP 6971	76-230	do.	SP 4388	76-290	Eurotainer, Paris, France	USCG 24-74
76-175	Sea-Land Service Inc., Eliza- beth, N.J.	SP 6720	76-231	do.	SP 3293	76-291	Amniston Executive Aviation, Inc., Amniston, Ala.	FAA 1024B
76-176	do.	SP 5854	76-232	The Bendix Corp., Kansas City, Mo.	SP 6885	76-292	Express Airways, Inc., Mo- jave, Calif.	FAA 1415C
76-177	3M Co., St. Paul, Minn.	SP 5248	76-233	Cardox Products, Division of Chemtron Corp., Chicago, Ill.	SP 5045	76-293	Baltimore Airways, Inc., Clarksville, Md.	FAA 2154
76-178	Lif-O Gen, Inc., Cambridge, Md.	SP 4459	76-234	Amoco Oil Co., Whiting, Ind.	SP 5000	76-294	McDonnell Douglas Corp., St. Louis, Mo.	SP 6232
76-179	Great Lakes Chemical Corp., West Lafayette, Ind.	SP 7010	76-235	ICI United States, Inc., Wil- mington, Del.	SP 6874	76-295	Superintendence Co., Inc., New York, N.Y., on behalf of Trafapak, London, Eng- land.	SP 6793
76-180	Air Products & Chemicals, Inc., Allentown, Pa.	SP 5652	76-236	Oxy Metal Industries Corp., Morenci, Mich.	SP 5767	76-296	Air Products & Chemicals, Inc., Allentown, Pa.	SP 6765
76-181	Albright & Wilson, Ltd., Norwood, N.J.	SP 4586	76-237	Airco Industrial Gases, Mur- ray Hill, N.J.	SP 6765	76-297	Energy Research and Devel- opment Administration, Washington, D.C.	SP 5557
76-182	Thiokol, Brigham City, Utah.	SP 6472	76-238	Westinghouse Electric Corp., Stanton, Va.	SP 4965	76-298	MC/B Manufacturing Chem- ists, Norwood, Ohio.	SP 4390
76-183	Solchem, Inc., New York, N.Y., on behalf of Bldwerk Goular KG, Goular, West Germany.	SP 7010	76-239	Chuglak, Aviation, Chuglak, Alaska.	SP 7189	76-299	do.	SP 5655
76-184	Dow Chemical USA, Midland, Mich.	SP 5062	76-240	Atlantic Container Line, New York, N.Y.	SP 5608	76-300	BASF Wyandotte Corp., Par- sippany, N.J.	SP 6770
76-185	FMC Corp., Philadelphia, Pa.	SP 3744	76-241	Pierce & Stevens Chemical Corp., Buffalo, N.Y.	SP 5548	76-301	Shell Oil Co., Houston, Tex.	SP 4586
76-186	Mobay Chemical Corp., Pitts- burgh, Pa.	SP 7000	76-242	Nenana Fuel Co., Nenana, Alaska.	SP 7191	76-302	Sea-Land Services, Inc., Eliza- beth, N.J.	SP 6720
76-187	Gardner Cryogenics, Bethel- hem, Pa.	SP 6705	76-243	Tesco, Marietta, Ga.	SP 6749	76-303	do.	SP 5854
76-188	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	SP 6769	76-244	Kreider Truck Service, Inc., East St. Louis, Ill.	SP 6805	76-304	FMC Corp., Philadelphia, Pa.	SP 5876
76-189	do.	SP 3946	76-245	Aeroquip Corp., Van West, Ohio.	SP 5482	76-305	Babcock & Wilcox, Lynch- burgh, Va.	SP 6870
76-190	do.	SP 3744	76-246	Tavco, Inc., Chatsworth, Calif.	SP 6974	76-306	High Point Chemical Corp., High Point, N.C.	SP 4247
76-191	do.	SP 6477	76-247	Riverside Chemical Co., Mem- phis, Tenn.	SP 6775	76-307	Superintendent Co., Inc., New York, N.Y.	SP 6793
76-192	Stauffer Chemical Co., West- port, Conn.	SP 6843	76-248	do.	SP 6760	76-308	Intsol Corp., New York, N.Y.	SP 6253
76-193	Carleton Controls Corp., East Aurora, N.Y.	SP 7009	76-249	Target/Lehigh Valley Chemi- cal Co., Easton, Pa.	SP 6258	76-309	Sobin Chemical, Inc., Boston, Mass.	SP 4806
76-194	Dow Chemical USA, Midland, Mich.	SP 6641	76-250	Sierra Chemical Co., Reno, Nev.	SP 4453	76-310	Alpha International Chemical, Inc., New York, N.Y.	USCG 42-75
76-195	Stauffer Chemical Co., West- port, Conn.	SP 6843	76-251	McKesson Chemical Co., San Francisco, Calif.	SP 6683	76-311	SWS Silcones Corp., West- port, Conn.	SP 6959
76-196	Allied Chemical, Morristown, N.J.	SP 4248	76-252	Sun-Olin Chemical Co., Clay- mont, Del.	SP 4404	76-312	Rockwell International, Canoga Park, Calif.	SP 1479
76-197	Rolf Jensen & Associates, Inc., Annandale, Va.	SP 7018	76-253	Vinobond/Continental Wall Panel, Gardena, Calif.	SP 6876	76-313	The Boeing Co., Seattle, Wash.	SP 5022
76-198	Allied Chemical, Morristown, N.J.	SP 6798	76-254	Liquid Carbonic Corp., Chi- cago, Ill.	SP 6243	76-314	United Technologies/Chem- ical Systems Division, Sun- nyvale, Calif.	SP 6943
76-199	Monsanto Research Corp., Miamisburg, Ohio.	SP 6985	76-255	Puerto Rico Marine Manage- ment, Inc., Elizabeth, N.J.	SP 6306	76-315	Great Lakes Chemical Corp., El Dorado, Ark.	SP 6735
76-200	Container Corp. of America, Wilmington, Del.	SP 7072	76-256	Carolina Welding Supplies, Inc., Raleigh, N.C.	SP 6366	76-316	El Paso Products Co., Odessa, Tex.	SP 6464
76-201	Military Traffic Management Command, Department of the Army (MTMC), Wash- ington, D.C.	SP 6232	76-257	Great Lakes Chemical Corp., West Lafayette, Ind.	SP 7010	76-317	Martin Marietta Chemicals, Charlotte, N.C.	SP 6427
76-202	MTMC, Washington, D.C.	SP 3415	76-258	do.	SP 6958	76-318	Ethyl Corp., Baton Rouge, La.	SP 6688
76-203	Union Carbide Corp., Tarry- town, N.Y.	SP 5485	76-259	Minerco Corp., Baltimore, Md.	SP 3768	76-319	Rockwell International Corp., Canoga Park, Calif.	SP 6943
76-204	United States Lines, Inc., New York, N.Y.	SP 5912	76-260	Hooker Chemicals & Plastics Corp., Niagara Falls, N.Y.	SP 6957	76-320	McNair Transport, Inc., Houston, Tex.	SP 6738
76-205	King Kratz Corp., Division of Airwick Industries, Inc., Teterboro, N.J.	SP 6749	76-261	Osmose, Buffalo, N.Y.	SP 6666	76-321	Kraft Chemical Co., Inc., Chicago, Ill.	SP 6818
76-206	Air Products & Chemicals, Inc., Allentown, Pa.	SP 6228	76-262	GAF Corp., Wayne, N.J.	SP 2748	76-322	Ell Lilly & Co., Indianapolis, Ind.	SP 4607
76-207	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	SP 6759	76-263	Western Electric, Reading, Pa.	SP 6856	76-323	Stauffer Chemical Co., West- port, Conn.	SP 7005
76-208	ERDA, Washington, D.C.	SP 6985	76-264	do.	SP 6988	76-324	Great Lakes Chemical Corp., E. Dorado, Ark.	SP 2805
76-209	do.	SP 5891	76-265	Oxy Metal Industries Corp., Morenci, Mich.	SP 6095	76-325	Allied Chemical Corp., Mor- ristown, N.J.	SP 2805
76-210	MTMC, Washington, D.C.	SP 7071	76-266	Gearhart-Owen Industries, Inc., Fort Worth, Tex.	SP 6501	76-326	Exxon Chemical Co. USA, Houston, Tex.	SP 2805
76-211	Dow Chemical USA, Midland, Mich.	SP 6671	76-267	Martin Marietta Chemicals, Charlotte, N.C.	SP 6408	76-327	Van Waters & Rogers, Divi- sion of Univac, San Fran- cisco, Calif.	SP 6620
76-212	do.	SP 3005	76-268	Hercules, Inc., Wilmington, Del.	SP 7021	76-328	New Bedford Gas & Edison Light Co., New Bedford, Mass.	SP 6464
76-213	do.	SP 4803	76-269	Halocarbon Products Corp., Hackensack, N.J.	USCG 15-72	76-329	Airco Industrial Gases, Mur- ray Hill, N.J.	SP 6021
76-214	FMC Corp., Philadelphia, Pa.	SP 5242	76-270	MTMC, Washington, D.C.	USCG 28-75	76-330	Great Lakes Chemical Corp., West Lafayette, Ind.	SP 6602
76-215	AAI Corp., Baltimore, Md.	SP 6116	76-271	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	USCG 6-67	76-331	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	SP 5454
76-216	North Texas LPG Corp., Houston, Tex.	SP 6978	76-272	Dart Container Line, New York, N.Y.	USCG 20-75	76-332	Virginia Chemicals, Inc., Portsmouth, Va.	SP 7005
76-217	K&M Rubber Co., Elk Grove Village, Ill.	SP 6986	76-273	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	USCG 19-72	76-333	Northern Air Cargo, Inc., Anchorage, Alaska.	SP 7189
76-218	Dow Chemical USA, Mid- land, Mich.	SP 4719	76-274	Department of the Navy, Washington, D.C.	USCG 19-71			
76-219	Honeywell, Inc., Lexington, Mass.	SP 6733	76-275	Brewer Chemical Corp., Honolulu, Hawaii.	USCG 16-71			
76-220	American Cyanamid Co., Wayne, N.J.	SP 4666	76-276	United States Navigation, Inc., New York, N.Y.	USCG 20-75			
			76-277	do.	USCG 20-75			
			76-278	Dow Chemical USA, Mid- land, Mich.	USCG 10-73			
			76-279	do.	USCG 24-70			
			76-280	Barberlines, New York, N.Y.	USCG 5-75			

Applica- tion No.	Applicant	Renewal of special permit (SP)
76-334	Western Airlines, Inc., Los Angeles, Calif.	SP 7223
76-335	Allied Chemical, Morristown, N.J.	SP 5526
76-336	Solchem, Inc., New York, N.Y., on behalf of Bromine Compounds, Ltd., Beer-Sheva.	SP 7010
76-337	Pueblo Chemical & Supply Co., Garden City, Kans.	SP 6787
76-338	Dubois Chemicals, Division of Chemed Corp., Cincinnati, Ohio.	SP 6220
76-339	Gardner Cryogenics, Bethlehem, Pa.	SP 5485
76-340	El Paso Products Co., Odessa, Tex.	SP 2805
76-341	do	SP 6738
76-342	do	SP 6923
76-343	Lawrence Livermore Laboratory, Livermore, Calif.	SP 5557
76-344	Diamond Shamrock Chemical Co., Morristown, N.J.	SP 7056
76-345	Dow Chemical USA, Midland, Mich.	SP 6924
76-346	White Chemical Corp., Bayonne, N.J.	SP 6126
76-347	Wien Air Alaska, Inc., Anchorage, Alaska.	SP 7189
76-348	Riverside Chemical Co., Memphis, Tenn.	SP 4111
76-349	do	SP 5719
76-350	do	SP 6787
76-351	do	SP 6434
76-352	do	SP 6326
76-353	do	SP 6174
76-354	do	SP 2675
76-355	Union Carbide Corp., Linde Division, Tarrytown, N.Y.	SP 7025
76-356	Chem-Spray, Division of ATI, Inc., Totowa, N.J.	SP 4607
76-357	The Boeing Co., Seattle, Wash.	SP 6974
76-358	Riverside Chemical Co., Memphis, Tenn.	SP 2675
76-359	Tilston Roberts Corp., New York, N.Y., on behalf of Compania Peruana De Vapores, Peru.	USCG 20-76
76-360	Exxon Chemical Co., USA, Houston, Tex.	SP 6536
76-361	Filo Color & Chemical Corp., New York, N.Y.	SP 4586
76-362	Atlantes Chemical Services, Inc., Houston, Tex.	SP 4763
76-363	GTE Laboratories, Inc., Waltham, Mass.	SP 7052
76-364	Air Products & Chemicals, Inc., Allentown, Pa., on behalf of Jack B. Kelly, Inc., Amarillo, Tex.	SP 7025
76-365	A.B.C. Compounding Co., Inc., Atlanta, Ga.	SP 4763
76-366	Dow Chemical USA, Midland, Mich.	SP 6602

Dr. C. H. THOMPSON,
P.E. Chief, Regulations Division,
Office of Hazardous Materials
Operations.

[FR Doc.76-11084 Filed 4-19-76;8:45 am]

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

NATIONAL ADVISORY COMMITTEE ON AN ACCESSIBLE ENVIRONMENT

Publication of Charter; Correction

FR Doc. 76-6976 published in the FEDERAL REGISTER on Thursday, March 11, 1976, at pages 10466-10467 is corrected by changing the phrase "31st day" to read "30th day of September" in the paragraph entitled "REPORT" and by changing the Public Law referenced in the paragraph "DURATION/TERMINATION" from "93-712" to "93-112."

Dated: April 14, 1976.

STANLEY B. THOMAS, Jr.,
Chairman.

[FR Doc.76-11322 Filed 4-19-76;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 27036 and 27101]

PAN AMERICAN WORLD AIRWAYS, INC., AND TRANS WORLD AIRLINES, INC. V. SEABOARD WORLD AIRLINES, INC.

Enforcement Proceeding; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on June 15, 1976, at 9:30 a.m. (local time, in Room 1003, Hearing Room B, Universal Building, 1875 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Richard V. Backley.

Dated at Washington, D.C., April 14, 1976.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.
[FR Doc.76-11369 Filed 4-19-76;8:45 am]

[Docket 21162]

OHIO/INDIANA POINTS NONSTOP SERVICE INVESTIGATION

Change in the Time of Prehearing Conference

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding which was assigned to be held on May 19, 1976, (41 F.R. 8527, February 27, 1976), at 10:00 a.m. (local time), in Room 1003, Hearing Room A, Universal Building North, 1875 Connecticut Avenue, N.W., Washington, D.C. has been changed to 9:30 a.m. (local time), May 19, 1976 in the same room and building.

Dated at Washington, D.C., April 14, 1976.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.
[FR Doc.76-11370 Filed 4-19-76;8:45 am]

[Docket 26973]

AEROMAR, C. POR A. REMANDED PROCEEDING

Notice of Further Postponement of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the prehearing conference in the above-entitled proceeding which was assigned to be held on April 20, 1976, (41 F.R. 14920, April 8, 1976) is postponed until May 13, 1976, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., April 15, 1976.

[SEAL] RICHARD V. BACKLEY,
Administrative Law Judge.
[FR Doc.76-11539 Filed 4-19-76;8:45 am]

CIVIL SERVICE COMMISSION

CONFIDENTIAL ASSISTANT TO THE CHAIRMAN

Notice of Title Change in Noncareer Executive Assignment

By notice of January 30, 1971, F.R. Doc. 71-1269 the Civil Service Commission authorized the Federal Maritime Commission to fill by noncareer executive assignment the position of Confidential Assistant to the Chairman, Office of the Chairman. This is notice that the title of this position is now being changed to Counsellor to the Chairman, Office of the Chairman.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.76-11157 Filed 4-19-76;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, May 12, 1976. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on future comparability adjustments for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management
Officer for the President's Agent.

[FR Doc.76-11158 Filed 4-19-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC HEARINGS

Change of Location for Washington, D.C. Hearings

Notice is hereby given of a change in the location of public hearings by the Commission on Federal Paperwork to be held in Washington, D.C. Notice of these hearings appears at page 15441 of the FEDERAL REGISTER of April 13, 1976. Due to the public response to these hearings, the Commission has moved the hearing to a larger room which will accommodate more people. The hearings on April 29

and 30, 1976, will be held in the House Armed Services Committee Hearing Room, 2118, Rayburn House Office Building. The hearings will commence each day at 9:00 a.m. and end at 1:00 p.m.

FRANK HORTON,
Chairman.

[FR Doc. 76-11380 Filed 4-19-76; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. 76-2]

AAA MATTRESS CO., INC. AND
EDWARD MCENTREE

Institution of Enforcement Proceeding
Under the Flammable Fabrics Act

APRIL 9, 1976.

A Notice of Enforcement prepared by the Commission's Staff and approved by the Commission, has been served upon AAA Mattress Co., Inc. and Edward McEntree, individually and as an officer of the corporation charging Respondents with violating Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) by manufacturing, selling, and delivering into interstate commerce products which failed to conform to the Standards for the Flammability of Mattresses, FF 4-72. In particular, it is alleged that from December 23, 1973 to November 7, 1974, Respondents failed to carry out required flammability tests on the mattresses, failed to maintain required records pertaining to the manufacture, flammability testing, and sale of the mattresses, and from June 22, 1973 to December 22, 1973, failed to attach warning labels allowable in lieu of testing.

Said failures are also alleged to constitute unfair methods of competition and unfair and deceptive acts within the intent and meaning of Section 5 of the Federal Trade Commission Act. Commission jurisdiction over this matter is based on the transfer of functions under the foregoing acts to the Commission by Section 30 of the Consumer Product Safety Act.

The Staff is seeking an order requiring Respondents to cease and desist from violating the said Acts and to recall all mattresses produced between June 23, 1973 and June 26, 1974 from distributors, retailers, and consumers. Respondents have filed an Answer containing a general denial and an affirmative defense that the individual Respondents are being discriminated against and that the mattresses in question comply with the Flammability Standard, FF 4-72.

This proceeding is governed by the Commission's Interim Rules of Practice, 16 CFR 1025. The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the Respondents, who desires to become a party to the proceedings, or to testify at the hearing, may request to do so by writing to the Presiding Officer, Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Com-

mission, Room 825-L, Washington, D.C. 20207, or by telephoning (202) 634-7171.

Dated: April 9, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc. 76-11255 Filed 4-19-76; 8:45 am]

[Docket No. 76-4]

F&D ASSOCIATES AND JOSEPH GOODMAN

Institution of Enforcement Proceeding
Under the Flammable Fabrics Act

APRIL 12, 1976.

A Notice of Enforcement prepared by the Commission's Staff and approved by the Commission, has been served upon F&D Associates and Joseph Goodman, individually and as an officer of the corporation charging Respondents with violating Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) by manufacturing, selling, and delivering into interstate commerce products which failed to conform to the Standard for the Flammability of Mattresses, FF 4-72. In particular, it is alleged that from December 23, 1973 to October 31, 1974, Respondents failed to carry out required flammability tests on the mattresses, failed to maintain required records pertaining to the manufacture, flammability testing, and sale of the mattresses, and from June 22, 1973 to December 22, 1973, failed to attach warning labels allowable in lieu of testing.

Said failures are also alleged to constitute unfair methods of competition and unfair and deceptive acts within the intent and meaning of Section 5 of the Federal Trade Commission Act. Commission jurisdiction over this matter is based on the transfer of functions under the foregoing acts to the Commission by Section 30 of the Consumer Product Safety Act.

The Staff is seeking an order requiring Respondent to cease and desist from violating the said Acts and to recall all mattresses produced between June 22 and December 22, 1973 and between March 22 and October 31, 1974, from distributors, retailers, and consumers. Respondents have filed an Answer denying all charges and presenting affirmatively that they (1) complied with the flammability standard, and (2) that the standard and the proceeding are violative of Respondents' constitutional rights.

This proceeding is governed by the Commission's Interim Rules of Practice, 16 CFR 1025. The docket in this matter is available in the Office of Secretary of the Commission. Any person, other than the Respondents, who desires to become a party to the proceedings, or to testify at the hearing, may request to do so by writing to the Presiding Officer, Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Com-

mission, Room 825-L, Washington, D.C. 20207, or by telephoning (202) 634-7171.

Dated: April 12, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc. 76-11256 Filed 4-19-76; 8:45 am]

[Docket No. 75-23]

FOAM-TEX CO., INC. AND
EDWARD WOLFF

Institution of Enforcement Proceeding
Under the Flammable Fabrics Act

APRIL 8, 1976.

A Notice of Enforcement prepared by the Commission's Staff and approved by the Commission, has been served upon Foam-Tex and Edward Wolff, individually and as an officer of the corporation charging Respondent with violating Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) by manufacturing, selling, and delivering into interstate commerce products which failed to conform to the Standards for the Flammability of Mattresses, FF 4-72. In particular, it is alleged that from June 23, 1973 to November 7, 1974, Respondent failed to carry out required flammability tests on the mattresses, failed to maintain required records pertaining to the manufacture, flammability testing, and sale of the mattresses, and from June 22, 1973 to December 22, 1973, failed to attach warning labels allowable in lieu of testing.

Said failures are also alleged to constitute unfair methods of competition and unfair and deceptive acts within the intent and meaning of Section 5 of the Federal Trade Commission Act. Commission jurisdiction over this matter is based on the transfer of functions under the foregoing acts to the Commission by Section 30 of the Consumer Product Safety Act.

The Staff is seeking an order requiring Respondent to cease and desist from violating the said Acts and to recall all mattresses produced between June 23, 1973 and November 7, 1974 from distributors, retailers, and consumers. Respondent has filed an Answer containing a general denial and an affirmative defense that the Commission is without jurisdiction. The parties are attempting to negotiate a settlement before agreeing to a date for hearing.

This proceeding is governed by the Commission's Interim Rules of Practice, 16 CFR 1025. The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the Respondent, who desires to become a party to the proceedings, or to testify at the hearing, may request to do so by writing to the Presiding Officer, Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Com-

mission, Room 825-L, Washington, D.C. 20207, or by telephoning (202) 634-7171.

Dated: April 8, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.76-11257 Filed 4-19-76;8:45 am]

[Docket No. 75-22]

JOSEPH WARREN

Institution of Enforcement Proceeding
Under the Flammable Fabrics Act

APRIL 12, 1976.

A Notice of Enforcement prepared by the Commission's Staff and approved by the Commission, has been served upon Joseph Warren, individually, and as a former officer of the Warren-Wells Co., a corporation, now dissolved, charging Respondent with violating Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) by manufacturing, selling, and delivering into interstate commerce products which failed to conform to the Standard for the Flammability of Mattresses, FF 4-72. In particular, it is alleged that from December 23, 1973 to November 20, 1974, Respondent failed to carry out required flammability tests on the mattresses, failed to maintain required records pertaining to the manufacture, flammability testing, and sale of the mattresses.

Said failures are also alleged to constitute unfair methods of competition and unfair and deceptive acts within the intent and meaning of Section 5 of the Federal Trade Commission Act. Commission jurisdiction over this matter is based on the transfer of functions under the foregoing acts to the Commission by Section 30 of the Consumer Product Safety Act.

The Staff is seeking an order requiring Respondent to cease and desist from violating the said Acts and to recall all mattresses produced between December 23, 1973 and April 14, 1974, from distributors, retailers, and consumers. Respondent has filed an Answer moving that the Notice of Enforcement be dismissed since the individual Respondent is incapable of effecting the relief desired and the corporate entity, where he was formerly an officer, has been dissolved and its premises sold. The Staff has answered that motion stating that such facts, even if proved, do not entitle the Respondent to the relief he requests.

This proceeding is governed by the Commission's Interim Rules of Practice, 16 CFR 1025. The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the Respondent, who desires to become a party to the proceedings, or to testify at the hearing, may request to do so by writing to the Presiding Officer, Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Com-

mission, Room 825-L, Washington, D.C. 20207, or by telephone (202) 634-7171.

Dated: April 12, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.76-11258 Filed 4-19-76;8:45 am]

[Docket No. 76-3]

ROYAL BEDDING CO. ET AL.

Institution of Enforcement Proceeding
Under the Flammable Fabrics Act

APRIL 12, 1976.

A Notice of Enforcement prepared by the Commission's Staff and approved by the Commission, has been served upon Royal Bedding Company and Jacob Lurie, Edward Krugman and Barry Wolf, individually and as officers of the corporation charging Respondents with violating Section 3(a) of the Flammable Fabrics Act (15 U.S.C. 1192) by manufacturing, selling, and delivering into interstate commerce products which failed to conform to the Standard for the Flammability of Mattresses, FF 4-72. In particular, it is alleged that Respondents failed to carry out required flammability tests on certain mattresses, and failed to select mattresses for testing in a random manner.

Said failures are also alleged to constitute unfair methods of competition and unfair and deceptive acts within the intent and meaning of Section 5 of the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Commission jurisdiction over this matter is based on the transfer of functions under the foregoing acts to the Commission by Section 30 of the Consumer Product Safety Act (15 U.S.C. 2051, 2079).

The Staff is seeking an order requiring Respondents to cease and desist from violating the said Acts. Respondents have filed an Answer admitting the charges but reserving the right to present evidence, proposed findings of fact and conclusions of law "and rule or order."

This proceeding is governed by the Commission's Interim Rules of Practice, 16 CFR 1025. The docket in this matter is available in the Office of the Secretary of the Commission. Any person, other than the Respondents, who desires to become a party to the proceedings, or to testify at the hearing, may request to do so by writing to the Presiding Officer, Paul N. Pfeiffer, Administrative Law Judge, Consumer Product Safety Commission, Room 825-L, Washington, D.C. 20207, or by telephoning (202) 634-7171.

Dated: April 12, 1976.

PAUL N. PFEIFFER,
Administrative Law Judge.

[FR Doc.76-11259 Filed 4-19-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 525-2; OPP-42008A]

IDAHO

Approval of State Plan for Certification of
Commercial and Private Applicators of
Restricted Use Pesticides

Section 4(a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), and the implementing regulations of 40 CFR Part 171 require each State desiring to certify applicators to submit a plan for its certification program. Any State certification program under this section shall be maintained in accordance with the State plan approved under this section.

On November 26, 1975, notice was published in the FEDERAL REGISTER (40 FR 54857) of the intent of the Regional Administrator, EPA Region X, to approve, on a contingency basis, the Idaho Plan for Certification of Commercial and Private Applicators of Restricted Use Pesticides (Idaho State Plan). Contingency approval was requested by the State of Idaho pending enactment of legislation, which has been proposed, and promulgation of regulations pursuant to this new legislation implementing the plan. Complete copies of the Idaho plan were made available for public inspection at the Idaho Department of Agriculture, Boise, Idaho; EPA Region X office, Seattle Washington; and the Office of Pesticide Programs, EPA, Washington, D.C.

No comments were received; therefore, the plan as appeared in the FEDERAL REGISTER November 26, 1975, will go unchanged.

It has been determined that the Idaho plan will satisfy the requirements of Section 4(a)(2) of the amended FIFRA and of 40 CFR Part 171, if the legislation described in the plan, which is necessary for its implementation, is passed by the Idaho Legislature and necessary implementing regulations are promulgated by the Idaho Department of Agriculture. Accordingly the Idaho plan is approved contingent upon passage of the legislation and promulgation of implementing regulations in accordance with and as prescribed in the State plan.

This contingency approval shall expire twelve (12) months from its effective date, if these terms and conditions are not satisfied by that time. On or before the expiration of the period of contingency approval, a notice shall be published in the FEDERAL REGISTER concerning the extent to which these terms and conditions have been satisfied, and the approval status of the Idaho plan as a result thereof.

Effective date. Pursuant to Section 4(d) of the Administrative Procedures Act, 5 U.S.C. 553(d), the Agency finds that there is good cause for providing

that the twelve months contingency approval granted herein to the Idaho plan shall be effective immediately. Neither the Idaho plant itself nor this Agency's contingency approval of the plan creates any direct or immediate obligations on pesticide applicators or other persons in the State of Idaho. Delays in starting the work necessary to implement the plan, such as may be occasioned by providing some later effective date for this contingency approval, are inconsistent with the public interest. Accordingly, this contingent approval shall become effective immediately.

Dated: January 22, 1976.

L. EDWIN COATE,
Acting Regional Administrator,
U.S. Environmental Protection
Agency, Region X.

[FR Doc. 76-11395 Filed 4-19-76; 8:45 am]

[FRL 525-7; OPP-50113]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-84) allows the use of 150 pounds A.I. of the fungicide 4-butyl-4H-1,2,4 triazole on wheat to evaluate control of wheat leaf rust. A total of 500 acres is involved; the program is authorized only in the States of Arkansas, Georgia, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Washington. The experimental use permit is effective from March 23, 1976, to March 23, 1977. A temporary tolerance for residues of the active ingredient in or on wheat has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 76-11399 Filed 4-19-76; 8:45 am]

[FRL 525-8; OPP-50114]

ROHM & HAAS CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Rohm & Haas Company, Philadelphia, Pennsylvania 19105. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 707-EUP-81) allows the use of 4,275 pounds A.I. of the herbicide 2-chloro-1 (4-nitrophenoxy)-4-(trifluoromethyl) benzene on soybeans to evaluate control of certain annual and broadleaf weeds. A total of 3,975 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin. The experimental use permit is effective from March 29, 1976, to April 11, 1977. A temporary tolerance for residues of the active ingredient in or on soybeans has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 76-11400 Filed 4-19-76; 8:45 am]

[FRL 526-1; OPP-50115]

SHELL CHEMICAL CO.

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to Shell Chemical Company, Washington, D.C. 20036. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 201-EUP-46) allows the use of 8,000 pounds A.I. of the herbicide 2-[[4-chloro-6-(ethylamino) - s - triazin - 2 - ylamino]-2-methylpropionitrile on soybeans to evaluate control of certain broadleaf weeds. A total of 5,000 acres is involved; the program is authorized only in the States of Alabama, Arkansas, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, and Tennessee. The experimental use permit is effective from March 17, 1976, to March 17, 1977. A temporary tolerance for residues of the active ingredient in or on soybeans has been established.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 76-11401 Filed 4-19-76; 8:45 am]

[FRL 525-4; OPP-50109]

FOREST SERVICE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service, Washington, D.C. 20250. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586-EUP-9) allows the use of 480 pounds A.I. of the insecticide Dimethyl (2,2,2-trichloro-1-hydroxyethyl) phosphonate on forested areas to assess its environmental safety on birds, fish, aquatic invertebrates, and non-target insects. A total of 320 acres is involved; the program is authorized only in the State of Oregon. The experimental use permit is effective from March 30, 1976, to March 30, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

able for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 76-11396 Filed 4-19-76; 8:45 am]

[FRL 525-5; OPP-50110]

FOREST SERVICE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service, Washington, D.C. 20250. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586-EUP-12) allows the use of 640 pounds A.I. of the insecticide carbaryl on forested areas to assess its environmental safety on birds, fish, aquatic invertebrates, and non-target insects. A total of 320 acres is involved; the program is authorized only in the State of Oregon. The experimental use permit is effective from March 30, 1976, to March 30, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated April 14, 1976.

JOHN B. RITCH, Jr.,
Registration Division.

[FR Doc. 76-11397 Filed 4-19-76; 8:45 am]

[FRL 525-6; OPP-50111]

FOREST SERVICE

Issuance of Experimental Use Permit

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), an experimental use permit has been issued to the U.S. Forest Service, Washington, D.C. 20250. Such permit is in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

This experimental use permit (No. 27586-EUP-11) allows the use of 640 pounds A.I. of the insecticide acephate on forested areas to assess its environmental safety on birds, fish, aquatic in-

vertebrates, and non-target insects. A total of 640 acres is involved; the program is authorized only in the State of Oregon. The experimental use permit is effective from March 30, 1976, to March 30, 1977.

Interested parties wishing to review the experimental use permit are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permit may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc. 76-11398 Filed 4-19-76; 8:45 am]

[FRL 525-3; OPP-33000/394]

RECEIPT OF APPLICATION FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in Support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement, which were effectuated by the enactment of the recent amendments to FIFRA on November 28, 1975 [P.L. 94-140], and the new regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room EE-31, East Tower, 401 M Street SW., Washington, DC 20460. In the case of applications subject to the new Section 3 regulations, and applications not subject to the new Section 3 regulations which utilize either the 2(a)

or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, is being used to support an application described in this notice, (c) desires to assert a claim under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data or the status of such data under Section 10 must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

The Interim Policy Statement requires that claims for compensation be filed within 60 days of publication of this notice. With the exception of 2(c) applications not subject to the new Section 3 regulations, and for which a sixty-day hold period for claims is provided, EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under Section 10 of FIFRA, as amended, should be made on or before May 20, 1976.

Dated: April 14, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/394)

EPA File Symbol 36837-R. Alfred Chem. Corp., #171 Lombardy St., Brooklyn NY 11222. MICROCIDAL ALPHA. Active Ingredients: N-Alkyl (50% C14, 40% C12, 10% C16) Dimethylbenzyl Ammonium Chloride 5%; Sodium Carbonate 2.0%; Tetrasodium Salt of Ethylene Diamine Tetraacetate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA Reg. No. 6308-91. The Ansul Company, PO Drawer 1165, Weslaco TX 78596. BOLLS-EYE COTTON DEFOLIANT. Active Ingredients: Sodium Cacodylate 27.38%; Dimethylarsinic Acid (Cacodylic Acid) 4.67%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA Reg. No. 1526-416. Arizona Grochemical Co., PO Box 21537, Phoenix AZ 85036. THIODAN 2E. Active Ingredients: Endosulfan (Hexachlorocycloheximide) 24.00%; 4,3-benzodioxathiepin oxide 24.00%; Aromatic Petroleum Solvent 69.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 35378-1. A.T.S. Laboratories, Inc., PO Box 503, Medina OH 44256. SUPER SHIELD FLY REPELLENT. Active Ingredients: Butoxypropylene Glycol 10.00%; Piperonyl Butoxide Technical 1.00%; Pyrethrins 0.25%. Petroleum Distillate 100%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement and additional data to support claim. PM17

EPA File Symbol 11853-U. Biscayne Chemical Laboratories, Inc., PO Box 307 Biscayne Annex, 1215 NW 7th Ave., Miami FL 33152. STERIZONE DISINFECTANT. Active Ingredients: Alkyl (50% C14, 40% C12, 10% C16) Dimethyl Benzyl Ammonium Chloride 2.75%; Essential Oils 0.44%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 239-EUO. Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804. BOLERO 10 G. Active Ingredients: S-[(4-chlorophenyl) Methyl] diethylcarbamothioate 10%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA File Symbol 239-EULN. Chevron Chemical Company. BOLERO 8 EC. Active Ingredients: S-[(4-chlorophenyl) methyl] diethylcarbamothioate 84%. Method of Support: Application proceeds under 2(a) of interim policy. PM23

EPA File Symbol 11598-EN. Connecticut Aerosols, Inc., 85 Furniture, Milford CT 06460. FLEA AND TICK SPRAY FOR DOGS AND CATS. Active Ingredients: Pyrethrins 0.056%; Rotenone 0.008%; Other cube resins 0.016%; Pine oil 0.900%; Petroleum distillate 0.406%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA Reg. No. 2938-0. Culligan USA, One Culligan Parkway, Northbrook IL 60062. CULLIGAN CHEMICAL TREATMENT M-23. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 13437-RE. Du Cor Chemical Corp., PO Box 13298, Orlando FL 32809. DU COR FORMULA 72 WEED KILLER. Active Ingredients: Monuron Trichloroacetate (3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate 3.19%; Aromatic Petroleum Derivative 88.52%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM24

EPA File Symbol 35667-R. DyChem International, Inc., 503 N. 400 West, Salt Lake City UT 84103. DYCHEM LION-X SANITIZER AND DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethylbenzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 1677-IG. Economics Laboratory, Inc., General Offices: Osborn Building, St. Paul MN 55102. MIKRO-BAC II. Active Ingredients: Isopropanol 9.9%;

Potassium 2-phenylphenate 4.9%; Potassium 2-benzyl-4-chlorophenate 4.9%; Sodium dodecylbenzene sulfonate 2.2%; Tetrasodium ethylenediaminetetraacetate 1.9%; Potassium 4-t-amyphenate 1.0%; Sodium xylene sulfonate 0.8%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 279-EOII. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. PYRENONE STABLE INSECTICIDE CONCENTRATE. Active Ingredients: Pyrethrins 0.5%; Technical Piperonyl Butoxide 5.0%; Butoxypropylene Glycol 25.0%; Petroleum Distillate 60.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA Reg. No. 279-3006. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. PYRENONE DIAZINON STABLE EMULSION. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl)phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.260%; Petroleum Distillate 0.153%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA Reg. No. 16377-3. Gloss-All Products Co., 2317 Farmer St., PO Box 174, Middleton WI 53562. SUPER STER-ALL DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.60%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 8730-4. Health-Chem Corp., 1107 Broadway, New York NY 10010. HERCON "INSECTAPE". Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 10.0%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA Reg. No. 891-178. Hercules Incorporated, 910 Market St., Wilmington DE 19899. TORAK P EMULSIFIABLE CONCENTRATE INSECTICIDE. Active Ingredients: Dialfor [O,O-diethyl S-(2-chloro-1-phthalimidoethyl) phosphorodithioate] 40.5%; Related reaction products 4.5%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added claims. PM16

EPA File Symbol 35284-R. Leisur-Aid, PO Box 734A, Omaha NE 68107. LEISUR-AID ALGAECIDE. Active Ingredients: Poly [oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride] 15.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 7762-RE. Leslie Salt Co., PO Box 882, Union City CA 94587. LESLIE FLY CONTROL "R" PREMIX (WITH RABON ORAL LARVACIDE 7.76%). Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl 7.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM15

EPA File Symbol 12367-T. Lico Sanitary Supplies/Cleaning Materials/Maintenance Equipment, 929 Fifth Ave., 928 Tysle Blvd., McKeesport PA 15132. TRIPLE CROWN CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18)

dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 11082-G. Long Chemical, Inc., 2615 Southwest Dr., Los Angeles CA 90043. LONG FINE ODOR DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM32

EPA File Symbol 1553-RNE. Momar, Inc., PO Box 19567, Station N, Atlanta GA 30325. MOMAR IO-DIS #165. Active Ingredients: Alpha-(Para-Nonylphenyl) - Omega - Hydroxypoly (Oxyethylene-Iodine Complex 13.89%; Phosphoric Acid 8.50%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA Reg. No. 524-308. Monsanto Co., 800 N. Lindbergh Blvd., St. Louis MO 63166. ROUNDUP HERBICIDE. Active Ingredients: Isopropylamine salt of Glyphosate 41.0%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM25

EPA File Symbol 4029-ET. Oil Specialties & Refining Co., Inc., 18 Bridge St., Brooklyn NY 11201. COMPACTOR AND KITCHEN INSECTICIDE SPRAY. Active Ingredients: Pyrethrins 0.12% Piperonyl Butoxide, Technical 1.20%; Petroleum Distillate 0.48%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM17

EPA File Symbol 27570-G. Paddock Pool Construction, 6525 E. Thomas Rd., Scottsdale AZ 85251. PAD CHEM. Active Ingredients: Sodium Dichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 27570-R. Paddock Pool Construction Co., 6525 E. Thomas Rd., Scottsdale AZ 85251. PAD TABLETS. Active Ingredients: Trichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 27570-E. Paddock Pool Construction Co. PAD ALGAE KILL. Active Ingredients: Trichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 36139-R. Petrochemicals Co., Inc., 2001 North Grove St., Fort Worth TX 76106. FORMULA 114-74-3 GERMICIDAL CLEANER CONCENTRATE. Active Ingredients: Sodium o-benzyl-p-chlorophenolate 8.5%; Sodium o-phenyl phenate 4.3%; Sodium p-tert-amyphenate 2.8%; Isopropanol 15.0%; Tetrasodium ethylenediamine tetraacetate 4.6%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted. PM32

EPA File Symbol 35938-U. Pittsburgh Water & Waste Co., PO Box 72, Sarver PA 16055. ECO-CIDE 175. Active Ingredients: Disodium cyanodithioimidocarbonate 7.35%; Potassium N-methyldithiocarbamate 10.15%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 35938-L. Pittsburgh Water & Waste Company, ECO-CIDE 1168. Active Ingredients: Disodium cyanodithiolimido-carbamate 4.90%; Potassium N-methyldithiocarbamate 6.76%. Method of Support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM33

EPA File Symbol 5725-EG. Ritter Chemical Co., Inc., 403 W. Main St., Amsterdam NY 12010. AQUA 10. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 5725-EE. Ritter Chemical Co., Inc. AQUA 40. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 20%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 20%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA Reg. No. 476-1054. Staufer Chemical Co., 1200 South 47th St., Richmond CA 94804. MAGNETIC "6" FLOWABLE SULFUR. Active Ingredients: Sulfur 51.1%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Revised offer to pay statement submitted and added use. PM22

EPA Reg. No. 148-1138. Thompson Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. KLEAN-UP 2.4-DB AMINE. Active Ingredients: Dimethylamine salt of 4-(2,4-dichlorophenoxy) butyric acid 23.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM23

EPA File Symbol 876-ELN. Velsicol Chemical Corp., 341 E. Ohio St., Chicago IL 60611. VELSICOL DIPHACIN 110 S CONCENTRATE RODENTICIDE. Active Ingredients: Diphacinone 0.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM11

EPA File Symbol 15265-RR. Wausau Chemical Corp., 2001 N. River Dr., Wausau WI 54401. ROLAR BRAND 40. Active Ingredients: Sodium Hypochlorite 10.5%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM34

EPA File Symbol 52-EUL. West Chemical Products, Inc., 42-16 West St., Long Island City NY 11101. PINE-SCENTED TERAMINE-X. Active Ingredients: n-Alkyl (40% C12, 50% C14, 10% C16) dimethyl benzyl ammonium chlorides 10.00%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 11656-UN. Western Farm Service, Inc., c/o Shell Chemical Co., Div. of Shell Oil Co., Suite 300, 1700 K St. NW., Washington DC 20006. TORBIDAN 28. Active Ingredients: Toxaphene 66.6%; O,O-dimethyl O-p-nitrophenyl thiophosphate 16.8%; Xylene 11.1%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM12

EPA File Symbol 33286-E. X-L Laboratories, Inc., 1687 North East 58th Ave., Des Moines IA 50313. SODIUM HYPOCHLORITE (10%) Active Ingredients: Sodium Hypochlorite 10%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Revised offer to pay statement submitted. PM 34

CORRECTIONS

EPA File Symbol 5736-UT. Dubois Chemicals, Div. of Chemed Corp., 3630 E. Kemper Rd., Sharonville OH 45241. HFC-11 DISINFECTANT - CLEANER - SANITIZER - FUNGICIDE-DEODORANT. Active Ingredients: Sodium Metasilicate 3.0% (Originally published as Sodium Metasilicate 3.4%) PM33 (41 FR 10703; 3/12/76)

EPA File Symbol 38540-E. Midwest Chemical & Processing Co., Inc., PO Box 428, White Deer TX 79037. BIO-QUAD 850. Active Ingredients: Potassium-N-methyldithiolimido-carbamate 5.07% (originally published as Potassium-N-methyldithiolimido-carbamate 5.0%) PM33 (41 FR 10707; 3/12/76)

[FR Doc.76-11402 Filed 4-19-76; 3:45 am]

[FRL 526-3; OPP-30000/1B]

KEPONE (CHLORDECONE)

Presumption Against Registration and Continued Registration of Pesticide Product, Extension of Period for Submission of Rebuttal Evidence and Comments

On March 25, 1976, the Environmental Protection Agency published a "Notice of Presumption Against Continued Registration of Pesticide Product—Kepone (Chlordecone)" and a "Notice of Presumption Against Continued Registration of Pesticide Product—Kepone (Chlordecone)" (41 FR 12333). The regulations governing rebuttable presumptions against pesticide products provide that the applicant or registrant shall have forty-five (45) days from the date such notice is sent to submit evidence in rebuttal of the presumption. However, the Administrator, for good cause shown, may grant an additional sixty (60) days in which such evidence may be submitted [40 CFR 162.11(a)(1)(i)].

Because more time is necessary for the analysis by registrants of "Carcinogenesis Bioassay of Technical Grade Chlordecone (Kepone)" which was used as a basis for the presumption, good cause has been shown for an extension of time by those wishing to respond to the above notices. All federal registrants, applicants for federal registration, and other interested persons shall have until June 10, 1976, to submit rebuttal evidence and other comments or information. Such rebuttal evidence, comments, or other information relevant to the presumption against continued registration should be submitted in triplicate to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the efforts of the Agency and others interested in inspecting them. All comments should bear the identifying notation "OPP-30000/1B." Comments and information received, on or before June 10, 1976 shall be considered before it is determined whether a notice shall be issued in accordance with 40 CFR 162.11(a)(5)(ii) and 7 U.S.C. 136(a)(c)(6) or 7 U.S.C. 136d(b)(1). Comments received after June 10, 1976 will be considered only to the extent feasible

consistent with the time limits imposed by 40 CFR 162.11(a)(5)(ii). All written comments filed pursuant to this notice as well as the file supporting the Agency's presumption against this pesticide will be available for public inspection in the office of the Federal Register Section at the above address from 8:30 a.m. to 4:00 p.m. on normal business days.

Dated: April 16, 1976.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.76-11557 Filed 4-19-76; 3:45 am]

Farm Credit Administration
PRIVACY ACT OF 1974

Proposed Amendment to Notices of Existence and Character of Systems of Records

Notice is hereby given that the Farm Credit Administration proposes adding a new paragraph under the heading "Routine uses of records maintained in the system, including categories of users and the purpose of such uses" in the system of records entitled "FCA-7—Employee attendance, leave, and payroll records" set forth on page 41734 of the FEDERAL REGISTER of September 8, 1975 (40 FR 41734), adopted by notice published on page 46288 of the FEDERAL REGISTER of October 6, 1975 (40 FR 46288), and amended December 31, 1975 (40 FR 60111). The proposed paragraph would add a new routine use of records in the system. Accordingly, the following paragraph would be added to the system of records FCA-7 appearing at 40 FR 41734:

System Name: Employee attendance, leave, and payroll records—FCA.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this record system may be disclosed as a routine use to Federal, State and local taxing authorities concerning compensation to employees or contractors for personal services; to the Civil Service Commission, Department of the Treasury, Department of Labor and other Federal agencies concerning pay, benefits, and retirement of employees; to Federal employees health benefits carriers concerning health insurance of employees; to financial organizations concerning employee savings account allotments and net pay to checking accounts; to State human resource offices administering unemployment compensation programs; to educational and training organizations concerning employee qualifications and identity for specific courses; and to heirs, executors and legal representatives of beneficiaries.

Public comment is invited on this amendment on or before May 14, 1976. Comments should be submitted in writing (10 copies) to Mr. W. M. Harding, Governor, Farm Credit Administration,

Washington, DC 20578. Copies of all communications received will be available for examination by interested persons in the Office of Director, Information Division, Office of Administration, Farm Credit Administration.

W. M. HARDING,
Governor, Farm Credit
Administration.

[FR Doc.76-11323 Filed 4-19-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 76-293; Docket No. 19919]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Voice Grade Private Line Service

Charges, Regulations, Classifications and Practices for Voice Grade/Private Line Service (High Density—Low Density) Filed with Transmittal No. 11891.

1. On January 22, 1976, we released a Decision and Memorandum Opinion and Order (Decision) in the above-captioned proceeding, FCC 76-30. At that time we found the tariff for American Telephone and Telegraph Company's (AT&T) voice grade private line service, the "Hi-Lo" tariff offering, to be discriminatory within the meaning of Section 202(a) of the Communications Act of 1934, as amended, 47 U.S.C. 202(a), and that this discrimination had not been justified in the hearing. We further found the tariff unreasonable pursuant to Section 201(b). Accordingly, we found the tariff to be unlawful and null and void. However, because public interest required continuance of the private line service, we permitted AT&T to retain the Hi-Lo tariff while it prepared a replacement tariff filing. This tariff would be filed to be effective on not less than seven days' notice and would go into effect ninety days after publication of the Decision in the *FEDERAL REGISTER*.

2. We now have before us a petition filed by the Ad Hoc Telecommunications Committee¹ (Committee) asking us to reconsider that part of the Decision which permits the tariff to become effective on not less than seven days' notice. In support, the Committee asserts that seven days is an insufficient time for users to adjust to the changes in the private line rate structure. It further alleges that Section 203(b) of the Com-

munications Act requires tariff filings to be on thirty days' notice unless, "for good cause shown," the Commission authorizes a different notice period. The Committee contends that no good cause was stated for the seven day notice period. For that reason, it alleges that, if the tariff were filed on seven days' notice, it would be in violation of Section 203(b) and thus unlawful. It states that we should require the tariff to be filed on thirty days' notice.

3. Our purpose in requiring this private line tariff filing effective on not less than seven days' notice was to retain the Hi-Lo offering in effect for the least possible time. Since we were unable from the record of the case to prescribe rates, and since we found that the public interest would not be served by curtailing private line services for even a limited period of time, we applied as short as possible a time frame for the filing and effective date of the new AT&T tariff. Accordingly, we believe that there would be no violation of Section 203(b), since we had good cause for the short notice.

4. On the other hand, we agree with the Committee that more than seven days is required for AT&T's customers to adjust their systems to structural changes made in the filing. Further, we believe it appropriate to permit a longer period than seven days for interested persons and the Commission staff to examine the filing and for us to take any required action. It is our opinion that a thirty day notice period will suffice for this purpose, as the Committee requests. Since the unlawful Hi-Lo tariff cannot remain in effect after the effective date of our January 22 Decision, we shall defer that date to permit a thirty day notice period.

5. Accordingly, it is ordered, That the Petition for Partial Reconsideration filed by the Ad Hoc Telecommunications Committee is granted.

6. It is further ordered, pursuant to Section 408 of the Communications Act of 1934, as amended, 47 U.S.C. 408, That paragraph 34 of our Decision in this proceeding, FCC 76-30, is modified, and that Decision shall become effective 113 days after it was published in the *FEDERAL REGISTER*.

7. It is further ordered, That the tariff schedules specified in paragraph 35 of that Decision shall be filed upon not less than thirty days' notice, and that paragraph is modified to so provide.²

Adopted: March 30, 1976.

Released: April 13, 1976.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.76-11342 Filed 4-19-76;8:45 am]

² Pursuant to Section 1.773 of the Rules, any petitions to suspend must be filed no later than 14 days before the effective date of the tariff.

[Report No. I-218]

RCA GLOBAL COMMUNICATIONS ET AL.

International and Satellite Radio Applications Accepted for Filing

APRIL 5, 1976.

The applications listed here have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules and Regulations or its policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice, Section 309(d)(1).

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

SATELLITE COMMUNICATIONS SERVICES:

257-DSE-P/L-76 RCA Global Communications, Inc. (As Trustee), Edwards Air Force Base, California. For authority to construct, operate and establish channels of communication by means of a communications satellite earth station at this location for operation with a domestic communication satellite system. Lat. 34°57'31" Long. 117°54'45". Transc. freq: (DATA) 6167-6203 MHz. and (VIDEO) 6047-6076 MHz. Emission (DATA) 150F9Y and (VIDEO) 29000F5. Using a 10 meter antenna.

258-DSE-P-76 RVS Cablevision Corporation, Brookfield, Wisconsin. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 43°01'58" Long. 88°09'06". Rec. freq: 3700-4200 GHz. Using a 10 meter antenna.

259-DSE-P/L-76 Hughes Aircraft Company, Torrance, California. For authority to construct, own and operate a domestic Developmental communications Satellite Receive-Only earth station at this location. Lat. 33°48'15" Long. 118°20'33". Rec. freq: 3700-4200 GHz. Using a 10 meter antenna.

260-DSE-P/L-76 Cox Cable Communications, Inc., Lamont, California. For authority to construct, own and operate a domestic communications satellite Receive-Only earth station at this location. Lat. 35°15'59" Long. 118°54'04". Rec. freq: 3700-4200 MHz. Emission 36000F9. Using a 10 meter antenna.

261-DSE-P/L-76 RCA Alaska Communications, Inc., Stevens Village, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 66°00'26" Long. 149°05'38". Rec. freq: 3700-4200 MHz and Transmit freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

262-DSE-P/L-76 RCA Alaska Communications, Inc., Venetie, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 67°00'59" Long. 146°25'19". Rec. Freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

263-DSE-P/L-76 RCA Alaska Communications, Inc., Eagle, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 64°47'11" Long. 141°12'22". Rec. freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.

¹ The Ad Hoc Telecommunications Committee is composed of the following companies:

Bethlehem Steel Corporation
E. I. duPont de Nemours & Company
Ford Motor Company
Monsanto Company
Olin Corporation
Republic Steel Corporation
Union Carbide Corporation
United States Steel Corporation
Westinghouse Electric Corporation
Chrysler Corporation
American Express Company
EXXON
J. C. Penney
Sears Roebuck and Co.

- 264-DSE-P/L-76 RCA Alaska Communications, Inc., Koyukuk, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 64°52'51" Long. 157°41'57". Rec. freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.
- 265-DSE-P/L-76 RCA Alaska Communications, Inc., Huslia, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 65°41'57" Long. 156°23'46". Rec. freq: 3700-4200 MHz. Transmit freq: 5925-6425 MHz. Emission 25.7F9. Using a 4.5 meter antenna.
- 266-DSE-P/L-76 RCA Alaska Communications, Inc., Ruby, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 64°44'23" Long. 155°29'09". Emission 25.7F9. Using a 4.5 meter antenna.
- 267-RSE-P/L-76 RCA Alaska Communications, Inc., Hughes, Alaska. For authority to construct a communications satellite earth station at this location for operation with a domestic communications satellite system. Lat. 66°02'44" Long. 154°15'22". Emission 25.7F9. Using a 4.5 meter antenna.
- 268-DSE-MP-76 Teleprompter Corporation (KB55), Asbury, Iowa. Mod of construction permit (73-DSE-P-76) to change station location from Debuque, Iowa to ASBURY, IOWA. Change coordinates to: Lat. 42°30'47" Long. 90°44'45". No other changes made.
- 270-DSE-P-76 Clearview TV Cable of Enumclaw, Auburn, Washington. For authority to construct, own and operate a domestic communications Receive—Only earth station at this location. Lat. 47°18'30" Long. 122°14'00". Rec. freq: 3700-4200 MHz. Emission 3400F9. Using a 10 meter antenna.
- 243-CSG-P/L-76 ITT Space Communications, Inc., Ramsey, New Jersey. For authority to operate a Developmental Receive—Only earth station at this location. Lat. 41.076° Long. 74.142°. 3600F9. Using a 15 foot antenna. Informant: Pursuant to Section 25.203, the applicant has requested a waiver of the frequency coordination requirements and all rights to protection from interference from the other radio stations with respect to the referenced earth station.

CORRECTIONS

- 181-DSE-P/L-76, Report No. I-210 Teleprompter Corporation, Huntsville, Alabama. Coordinates should have been: Lat. 34°42'07" Long. 86°31'02".
- 251-DSE-P/L-76, Report No. I-215 RCA Global Communications, Inc., Camp Roberts, California. Transmit frequency should have been: 6185 MHz.
- 172-DSE-P-76, Report No. I-206 River City Cable TV, Inc., Louisville, Kentucky. Coordinates should have been: Lat. 38°24'27" Long. 85°50'34".

[FR Doc.76-11343 Filed 4-19-76; 8:45 am]

GREAT LAKES PUBLIC COAST STATIONS MORATORIUM

Memorandum Opinion and Order

APRIL 14, 1976.

In the matter of request for waiver of certain rules in Parts 81 and 83 to allow Lorain Electronics, Inc., to establish a

prototype automated/manual VHF public correspondence system on the Great Lakes.

1. By Memorandum Opinion and Orders released January 5, 1974, (FCC 74-29), February 14, 1975, (FCC 75-160) and December 24, 1975, (59135), the Commission waived certain of its Parts 81 and 83 rules and authorized Lorain Electronics Corporation to operate a prototype-developmental VHF automated public correspondence radio communication system to serve vessels on the Great Lakes. The temporary operation of the system on this basis was to assist the Commission in determining what action to take on two petitions for rule making by Lorain (RM 2472 and RM 2476) that would permit the regular operation of such a system. The proposed Lorain system should provide complete VHF radio coverage of the Great Lakes through a system of unmanned coast stations automated and controlled from a central manned control center. The system is intended to replace the existing MF/HF operations on the Great Lakes. In addition, the system will provide the following new services: (1) Direct dial capability, both ship- and land-originated; (2) Facsimile; and (3) Teleprinter.

2. At the same time the Commission authorized the operation of the Lorain prototype system, it placed a moratorium on applications for new facilities of this class on the Great Lakes in order to permit the operation and evaluation of the Lorain system. Lorain has now provided the Commission with a detailed report stating that the operation of its prototype system has been successful and that the operation of the system on a regular basis is feasible. In addition, it has indicated where it desires to operate coast stations in a regular system and the kinds of services it intends to provide, and the frequencies on which it should operate. The new services proposed by Lorain would be mostly used by larger commercial vessels or tugs and would be supplemental and not in lieu of public correspondence voice communication services now provided by existing stations. In view of this information, we believe the moratorium on applications for new facilities of this class can be lifted to the extent that such applications do not conflict with the Lorain proposal, and we conclude the public interest requires that the moratorium be so lifted so that necessary and additional public correspondence facilities can be provided elsewhere on the Great Lakes. We also consider this and other information furnished by Lorain to be sufficient to permit a decision on whether a Notice of Proposed Rule Making should be released to provide for the operation of the system on a regular basis.

3. In a regular lakeswide VHF system, if permitted by rule changes, Lorain intends, essentially, to operate with F2 (telegraphy), F3 (telephony) and F4 (facsimile) transmissions on public

correspondence channels 84, 86 and 87 (161.825 MHz, 161.925 MHz and 161.975 MHz respectively) from stations at the following locations:

Duluth, Minn.	Alpena, Mich.
Ontonagon, Mich.	Harbor Beach, Mich.
Cooper Harbor, Mich.	Algonac, Mich.
Grand Marais, Mich.	Oregon, Ohio
Pickford, Mich.	Cleveland, Ohio
Sturgeon Bay, Wis.	Westfield, N.Y.
Port Washington, Ill.	Olcott, N.Y.
Benton Harbor, Mich.	Oswego, N.Y.

4. In its proposed regular system, Lorain intends to operate with channel 86 assigned to all above stations for use primarily as a common channel for facsimile and other nonvoice signals with either channel 84 or 87 also assigned to each station. Upon commencement of operations Lorain would discontinue operating its existing stations on other VHF public correspondence channels.

5. Accordingly, pursuant to authority contained in Sections 4(i) and 303(g) of the Communications Act of 1934, as amended, and Sections 0.131 and 0.331 of the Commission's Rules, the moratorium on applications for new VHF public correspondence facilities on the Great Lakes is hereby terminated to the extent that such applications do not conflict with the Lorain proposed system as described herein.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special
Radio Services Bureau.

[FR Doc.76-11341 Filed 4-19-76; 8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. AC-10]

PRUDENTIAL FEDERAL SAVINGS AND LOAN ASSOCIATION, SALT LAKE CITY, UTAH

Approval of Amendment to Conversion Application

Notice is hereby given that on April 14, 1976, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 76-273, approved an amendment to the application of Prudential Federal Savings and Loan Association, Salt Lake City, Utah, for permission to convert to the stock form of organization. The application had been approved by the Federal Home Loan Bank Board by Resolution No. 75-1164, dated December 19, 1975, and revised by Resolution No. 76-7, dated January 7, 1976. Copies of the application are available at the Office of the Secretary of said Corporation, 320 First Street NW., Washington, D.C. 20552 and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Seattle, 600 Stewart Street, Seattle, Washington 98101.

By the Federal Home Loan Bank Board.

[SEAL] J. J. FINN,
Secretary.

[FR Doc.76-11371 Filed 4-19-76; 8:45 am]

FEDERAL MARITIME COMMISSION
MADISON INTERSEAS INC. AND
EVANS PRODUCTS CO.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 30, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement of Purchase and Sale of Stock and Assignment of Terminal Lease Filed by:

Mr. Carl C. Davis, Alvord and Alvord, 200 World Center Building, 918 Sixteenth Street, N.W., Washington, D.C. 20006.

Agreement No. T-1985-5 between Madison Interseas (San Francisco), Inc., (Madison) and Evans Products Company (Evans) is an Agreement of Purchase and Sale of Stock and an Assignment, with Guaranty, of Marine Terminal Lease No. FMC T-1985, as amended. Agreement No. T-1985, as amended, is a marine terminal lease agreement between the City of Long Beach and Evans. Under the terms and conditions of the Assignment Agreement, Evans assigns to EITC Shipping Company (EITC) all of its rights, powers, duties and obligations under Agreement No. T-1985, as amended. EITC is a wholly owned subsidiary of Evans. Under the terms and conditions of the Purchase and Sale Agreement Evans will transfer all of the outstanding shares of EITC stock to Madison. Prior to the closing date of the Purchase and Sale Agreement, Evans will have executed the Assignment, with Guaranty, assigning Marine Terminal Lease No. FMC T-1985, as amended to EITC.

By Order of the Federal Maritime Commission.

Dated: April 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11372 Filed 4-19-76; 8:45 am]

PORT OF SEATTLE AND BRITISH
COLUMBIA STEAMSHIP CO. LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

H. H. Wittren, Manager, Waterfront Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-3110-1, between Port of Seattle (Port) and British Columbia Steamship Company (1975) Ltd., amends the basic agreement which provides for the lease by Port of Pier 64 to be used for passenger and steamship terminal business and related activities. The purpose of the amendment is to: (1) increase the monthly rental to \$6,875.00; and (2) extend the terms of the agreement through April 30, 1977.

By Order of the Federal Maritime Commission.

Dated: April 15, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11373 Filed 4-19-76; 8:45 am]

UNITED STATES GULF/JAPAN COTTON
POOL

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 10, 1976. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed By:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 8682-16, entered into by the American Companies and the Japanese Companies comprising the membership of the United States Gulf/Japan Cotton Pool, modifies Article 12 to effect certain changes in the total and allocated number of minimum sailings to be maintained by the parties and Article 4 to revise the percentage participations of the parties to conform to their current understandings, and adds a new Article 23 reading as follows:

"As of the date of Agreement No. 8682-16, Yamashita-Shinnihon Steamship Co., Ltd. ("Y-S") is not serving the Pool trade and does not intend to serve said trade in the immediate future, but desires to remain a party to the Pooling Agreement. Accordingly it is agreed that Y-S shall remain such party, without any right to vote on any question to be determined by the parties; provided, however, that the Pooling Agreement may not be amended without the consent of Y-S. Y-S undertakes to give to the Chairman not less than 90 days' notice of intention to resume service in the Pool trade, in order that the parties may have time to agree on revision of the allocations among the Japanese Companies of minimum sailings and percentage participations attendant upon such resumption. Until it shall have been allocated a percentage participation, Y-S

shall pay one-sixth (1/6) of Pool expenses, and the balance of such expenses after deduction of the amount payable by Y-S shall be borne by the parties other than Y-S in proportion to their respective percentage participations set forth in Article 4 of the Pooling Agreement."

By order of the Federal Maritime Commission.

Dated: April 14, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.76-11374 Filed 4-19-76;8:45 am]

FEDERAL RESERVE SYSTEM FIRST NATIONAL CORP.

Acquisition of Bank

First National Corporation, Appleton, Wisconsin, has applied for the Board's approval under § 3(a) (3) of the Bank Holding Company Act (12 U.S.C. § 1842 (a) (3)) to acquire 90 percent or more of the voting shares of The Farmers State Bank, Larsen, Wisconsin. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 13, 1976.

Board of Governors of the Federal Reserve System, April 14, 1976.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-11283 Filed 4-19-76;8:45 am]

SECURITY PACIFIC CORP.

Proposed Acquisition of The Bankers Investment Company

Security Pacific Corporation, Los Angeles, California ("Applicant"), has applied, pursuant to § 4(c) (8) of the Bank Holding Company Act (12 U.S.C. § 1843 (c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of The Bankers Investment Company, Hutchinson, Kansas ("Company"), and thereby to acquire control of fifty wholly-owned subsidiaries of Company.

Forty-five of Company's subsidiaries operate in the states of Colorado, Idaho, Kansas, Missouri, New Mexico, Oklahoma, Texas, Utah, and Wyoming through offices known as "BIC Loans of (location of subsidiary), Inc." Applicant states that upon consummation of the proposed transaction these subsidiaries of Company would engage in the activities of (1) making or acquiring for their own account or for the account of others loans and other extensions of credit, including secured and unsecured consumer, commercial and agricultural loans, installment sales contracts and other forms of receivables, and such other

types of loans and credit extensions as are customarily made or acquired by a finance company, either through direct contact or by mail and (2) acting as agent for the sale of credit life and credit accident and health insurance which is related to the making or acquiring of such loans and extensions of credit.

Two of the subsidiaries of Company, Central Plains Insurance Company, Inc., and Central Plains Life Insurance Company, Inc., are located in Kansas. Applicant states that upon consummation of the proposed transaction these subsidiaries of Company would engage in the activity of acting as underwriter or reinsurer for credit life and credit accident and health insurance which is directly related to extensions of credit by Company and by Applicant's other credit-granting subsidiaries.

Applicant states that two of the remaining subsidiaries of Company, Stenson and Burke, Inc., which is located in Kansas, and Sandia Appraisal Company, Inc., which is located in New Mexico, would engage in the provision of services to Company and Applicant which are incidental to the activities of Company and Applicant. The one remaining subsidiary of Company is a non-operating company located in Louisiana.

Notices of the application and proposed activities have been published in newspapers of general circulation in the principal communities served by Company.

Company is presently engaged in certain activities which have not previously been determined to be permissible activities for bank holding companies. Applicant is not seeking approval to engage in these impermissible activities. With the exception of these impermissible activities, the proposed activities in which Company would be engaged have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551, not later than May 11, 1976.

Board of Governors of the Federal Reserve System, April 12, 1976.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-11284 Filed 4-19-76;8:45 am]

GENERAL ACCOUNTING OFFICE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Regulatory Reports Review, Receipt of Report Proposal

The following request for clearance of a report intended for use in collecting information from the public was accepted by the Regulatory Reports Review Staff, GAO, on April 14, 1976. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt.

The notice includes the title of the request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed EEOC forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the submission, comments (in triplicate) must be received on or before May 10, 1976, and should be addressed to Mr. Carl F. Bogar, Assistant Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, N.W., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-376-5425.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

EEOC requests an extension no change clearance of EEO-5 a statistical survey report covering reporting and recordkeeping requirements of Elementary-Secondary Staff Information (System), Form 168A, and Elementary-Secondary Staff Information (School), Form 168B. This report is required to be filed annually by all public elementary and secondary school systems and districts with 100 or more employees as requested by the Commission. EEOC estimates the reporting burden to average 5 hours per response but burden may vary depending on the number of employees from one hour for smaller school districts to as much as 10 hours for larger districts.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-11335 Filed 4-19-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION Regulatory Reports Review, Receipt and Approval of a Proposed Report

The following requests for clearance of proposed reports intended for use in

collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on April 7, 1976. See U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipt and the action taken by GAO.

FEDERAL ENERGY ADMINISTRATION

Request for clearance on an emergency basis for the form entitled Domestic Crude Oil Entitlements Program, Refiners Monthly Report, FEA P-102-M-1 and Importers Monthly Report, FEA-P-126-M-0. These forms provide the basis for gathering of data for implementation of the regulations of allocation of old oil in 10 CFR 211.67. The P-102-M-1 is a revision of the P-102-M-0 and is to be filed by 434 oil refiners. The estimated burden of the revised form, according to FEA, is 8 hours per monthly report. The P-126-M-0 is a new form and is to be filed by 50 residual fuel oil importers on the east coast. The estimated burden of the new form, according to FEA, is 2 hours per monthly response.

According to documentation supplied by FEA, emergency clearance of the 2 forms was requested because entitlements, revenues or costs must be applied in determining product prices in the market for the subsequent month. Therefore, if data cannot be gathered immediately to complete issuance of an entitlements notice by the end of April, product prices in May will be severely distorted. Continuance of the Entitlements Program in its previous procedures would not prevent major distortion in the market because of the following factors:

(1) Simultaneously with enactment of the EPCA, the President removed the \$2 per barrel supplemental fee on imports of crude oil. This generated severe disparity in the East Coast residual fuel market. Domestic refiners of marketing residual fuel oil possessed an advantage of approximately \$3 per barrel over the independent marketers of the imported residual fuel oil. Failure to implement the revised entitlements program will prolong this intolerable situation with a 7 cent per gallon difference in basic cost.

(2) As required by the EPCA, regulations have been issued requiring the rollback of upper tier crude oil prices beginning February 1, 1976. Failure to reflect the existence of price controls to this oil will generate pricing distortions.

(3) In addition, the issuance of new regulations makes the continuation of the previous program impossible. Failure to have any entitlements program will generate extreme market and price dislocations in a period in which we are seeking to achieve decontrol of petroleum products and a return to open competition.

Because of the adverse consequences on the domestic petroleum market that would result from failure to implement the new entitlements regulations by the end of April, GAO granted a limited

emergency clearance of the 2 forms on April 9, 1976. The P-102-M-1 was cleared under number B-181254 (R0108) and the P-126-M-0 was cleared under number B-181254 (R0365). Both clearances expire on June 30, 1976. FEA must obtain reclearance of these 2 forms during June 1976 if continued use of the forms is desired.

In anticipation of FEA's request to reclear these forms, we have decided to invite public comment on both forms at the present time. Written comments on the FEA forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Comments received on or before May 21, 1976, will be given consideration before GAO makes a determination on the reclearance of the P-102-M-1 and the P-126-M-0. Comments (in triplicate) should be addressed to Mr. Carl F. Bogar, Assistant, Director, Office of Special Programs, United States General Accounting Office, Room 5216, 425 I Street, NW, Washington, D.C. 20548.

Further information may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.76-11336 Filed 4-19-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[337-TA-24]

CERTAIN EXERCISING DEVICES

Notice of Investigation

A complaint was filed with the United States International Trade Commission on February 3, 1976, and an amendment thereto was filed with the Commission on March 25, 1976, on behalf of Rainbow Lifeguard Products, Inc., 3242 Meeker Avenue, El Monte, California 91731 (complainant), alleging that the importation and sale in the United States of certain exercising devices constitute unfair methods of competition and unfair acts within the meaning of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of such articles being covered by certain claims of U.S. Patent No. 3,743,280. Complainant further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. Complainant requests that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the above complaint, as amended, the United States International Trade Commission on April 13, 1976, Ordered:

1. That pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine whether there is a violation of this section: that is—

(a) whether there are unfair methods of competition and unfair acts in the importation of certain exercising devices into the United States, or, in their sale, by reason of such articles being made in accordance with the claims of U.S. Patent No. 3,743,280, and

(b) whether the effect or tendency of such unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

2. That for the purpose of the investigation so instituted,

Stephen J. Lue, 2251½ West Ball Road, Anaheim, California 92804.

Amico Import Co., 36-33 "I" Street, Philadelphia, Pennsylvania 19134.

Charles Shulman, 144 Moody Street, Waltham, Massachusetts 02154.

Neptune Chemical Corporation of America, Neptune Patents, Inc., Neptune Building E, 7 Maple Street, Haverstraw, New York 10927.

are alleged or believed to be the owner, importer, consignee, or agent of either, selling the subject products in the United States, and are hereby named as respondents upon whom the complaint is to be served.

3. That for purposes of this investigation, Myron R. Renick, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby appointed as Presiding Officer.

4. That for purposes of this investigation, Charles F. Schill, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named as Commission investigative attorney.

Responses to the complaint and the notice of investigation will be considered by the Commission if received not later than 30 days from the date of service of the complaint. A signed original and nineteen (19) true copies of each response or submission should be filed with the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and service of such response or submission shall be made upon each of the parties to the investigation, including the Commission investigative attorney.

Extensions of time for submitting a response or submission will not be granted unless good and sufficient cause is shown therefor.

Failure of a respondent to file a response within the time provided to each of the allegations which are the subject of this investigation as set forth in this notice, taking into consideration the applicable detail of the allegations in the complaint, may be deemed to constitute a waiver of its rights to appear and contest such allegations and shall authorize the Commission, without further notice to the respondent, to find the facts to be as alleged and to enter an order containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, located in the United States International Trade Commission

Building, Washington, D.C., and in the New York City Office of the Commission, located at 6 World Trade Center.

By order of the Commission.

Issued: April 14, 1976.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.76-11262 Filed 4-19-76; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 76-31]

PRIVACY ACT

Systems of Records

On February 25, 1976, the National Aeronautics and Space Administration ("NASA"), in accordance with the Privacy Act of 1974 (5 U.S.C. 552a, Pub. L. 93-579), published on page 8235 in the FEDERAL REGISTER proposed changes in the "routine uses of records * * *" under the NASA 10PAYS systems of records. Interested persons were given until March 12, 1976 to submit comments. No such comments were received.

Accordingly, the proposed changes to this system of records, NASA 10PAYS, are adopted without change effective March 12, 1976.

DUWARD L. CROW,
Associate Deputy Administrator.

[FR Doc.76-11324 Filed 4-19-76; 8:45 am]

(Notice 76-3)

APPLICATIONS STEERING COMMITTEE, AD HOC ADVISORY SUBCOMMITTEE FOR THE EVALUATION OF SOLAR CONSTANT MEASUREMENT EXPERIMENT PROPOSAL

Establishment of Advisory Subcommittee, Determination

Pursuant to Section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, the National Aeronautics and Space Administration has determined that the establishment of the Applications Steering Committee, ad hoc Advisory Subcommittee for the Evaluation of Solar Constant Measurement Experiment Proposals is in the public interest and is required for the performance of duties imposed upon NASA by law. The Applications Steering Committee, under which the Subcommittee will operate, is a NASA-sponsored interagency committee, composed wholly of government employees. The Subcommittee will comprise membership from both the public and private sectors.

The intent of this ad hoc Advisory Subcommittee is to obtain the advice of the scientific community in evaluating proposals and selecting instruments for the Solar Maximum Mission.

WILLIAM W. SNAVELY,
Assistant Administrator for
DOD and Interagency Affairs.

APRIL 13, 1976.

[FR Doc.76-11332 Filed 4-19-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 3-5002; Release No. 9246; 812-3940]

ALEX. BROWN & SONS

Filing of Application

APRIL 13, 1976.

Notice is hereby given that Alex. Brown & Sons (the "Applicant") has filed an application pursuant to Section 9(c) of the Investment Company Act of 1940 (the "Act") for an order exempting the Applicant from the provisions of Section 9(a) of the Act and, without prejudice to the Commission's consideration of such application, has also applied for a temporary order of exemption from Section 9(a) pending the Commission's determination of the application for permanent exemption. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Applicant is a partnership registered with the Commission as a broker-dealer and as an investment advisor. On April 13, 1976, in an action commenced against the Applicant by the Commission under Sections 21 (d) and (e) of the Securities Exchange Act of 1934 (the "Exchange Act"), the United States District Court for the District of Maryland entered a Final Judgment (the "Consent Decree") enjoining the Applicant and its partners, officers, agents, servants, and employees from violations of Sections 9 (a) (2), 10(b), 13(d), and 16(a) of the Exchange Act and Rules 10b-5, 10b-6, 13d-1, 13d-2, and 16a-1 thereunder in connection with certain activities of the Applicant and one of its Registered Representatives in the common stock of AVX Corporation and its predecessors.

Section 9(a) of the Act, as here pertinent, makes it unlawful for any person, or any company with which such person is affiliated, to serve or act in the capacity of employee, officer, director, member of advisory board, investment advisor or depositor of any registered investment company or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company, if such person is, by reason of any misconduct, permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of Section 9(a), either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of Section 9(a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

For the following reasons, the Applicant contends that the prohibitions of Section 9(a) of the Act, to the extent

applicable by virtue of the entry of the Judgment, would be unduly and disproportionately severe as applied to it and its partners, officers, agents, servants, and employees, and that its conduct has been such as not to make it against the public interest of the protection of investors for the Commission to grant a permanent exemption from the provisions of Section 9(a) of the Act:

(i) the Consent Decree was entered with the consent of the Applicant for the purposes of that action only, without admitting or denying the material allegations of the complaint and without consenting to the adjudication of any wrongdoing or liability;

(ii) at all times the Applicant acted in good faith and in the belief that its actions complied with all provisions of the federal securities laws;

(iii) except for the action that resulted in the Consent Decree, the Applicant has never been the subject of an injunctive action initiated by the Commission and has never applied for an exemption from the provisions of Section 9(a) of the Act;

(iv) the Applicant has undertaken to institute improvements in its supervisory procedures in order to prevent a recurrence of the activities that lead to the violations alleged by the Commission in the complaint and to ensure that its employees are fully aware of its written policies and procedures and of their responsibilities; and

(v) the continued and uninterrupted investment advisory and underwriting services rendered by the Applicant are important to the various persons and business entities to whom such services are rendered.

The Commission has considered the matter and finds that:

(1) the conduct of the Applicant has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from Section 9(a) pending determination of the application for a permanent exemption, and

(2) in order to maintain uninterrupted investment advisory and underwriting services rendered by the Applicant, it is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act that the temporary order of exemption be issued forthwith.

Accordingly, it is ordered, Pursuant to Section 9(c) of the Act that the Applicant, its partners, officers, agents, servants, and employees be and they are hereby temporarily exempted from the provisions of Section 9(a) of the Act pending determination by the Commission of the Applicant's application for an order exempting it from the provisions of Section 9(a).

Notice is further given that any interested person may not later than May 7, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be

controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant care of Andre W. Brewster, Esq., Piper & Marbury, 2000 First Maryland Building, 25 S. Charles Street, Baltimore, Maryland 21201. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request.

At any time after said date, as provided in Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.
[FR Doc.76-11263 Filed 4-19-76;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1230]

MICHIGAN

Declaration of Disaster Area

Ogemaw County and adjacent counties within the State of Michigan constitute a disaster area because of damage resulting from a tornado on March 30, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 14, 1976 and for economic injury until the close of business on January 14, 1977, at:

Small Business Administration, District Office, 1249 Washington Boulevard, Detroit, Michigan 48226.

or other locally announced locations.

Dated: April 13, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-11316 Filed 4-19-76;8:45 am]

MINNEAPOLIS DISTRICT ADVISORY COUNCIL

Public Meeting

The Small Business Administration Minneapolis District Advisory Council will hold a public meeting at 10:30 a.m., Thursday, May 6, 1976, in the Radisson South Hotel, Bloomington, Minnesota,

located the the intersection of Highways 100 and I-494, to discuss such matters as may be presented by members, staff of the Small Business Administration, or others present. For further information, write or call Paul W. Jansen, U.S. Small Business Administration, Plymouth Building, 12 South Sixth Street, Minneapolis, Minnesota 55402, (612) 725-2928.

Dated: April 13, 1976.

MARY LOU GRIER,
Deputy Advocate for
Advisory Councils.

[FR Doc.76-11315 Filed 4-19-76;8:45 am]

[Declaration of Disaster Loan Area No. 1228]

NEBRASKA

Declaration of Disaster Loan Area

As a result of the President's declaration, I find that Adams, Butler, Clay, Fillmore, Gage, Hall, Hamilton, Jefferson, Nuckolls, Platte, Polk, Saline, Seward, Thayer, Webster, and York Counties, and adjacent counties within the State of Nebraska, constitute a disaster area because of damage resulting from ice storms and high winds beginning about March 30, 1976. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 7, 1976, and for economic injury until the close of business on January 7, 1977, at:

Small Business Administration, District Office, 215 North 17th Street, Omaha, Nebraska 68102.

or other locally announced locations.

Dated: April 13, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-11317 Filed 4-19-76;8:45 am]

[Declaration of Disaster Loan Area No. 1229]

VERMONT

Declaration of Disaster Area

Addison, Chittenden, Franklin, Grand Isle and adjacent counties within the State of Vermont constitute a disaster area because of damage resulting from flooding on April 2, 3, and 4, 1975. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 14, 1976 and for economic injury until the close of business on January 14, 1977 at:

Small Business Administration, District Office, 87 State Street, Montpelier, Vermont 05602.

or other locally announced locations.

Dated: April 13, 1976.

MITCHELL P. KOBELINSKI,
Administrator.

[FR Doc.76-11318 Filed 4-19-76;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH STATISTICS

Meeting

The BRAC Committee on Occupational Safety and Health Statistics will meet at 10 a.m., May 13, 1976, at the New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C., Room S4215 A, B, and C. The agenda for the meeting is as follows:

1. How BLS/OSHS data can be used in meeting OSHA's standards problems.
2. Status of statistical grant program: (a) Annual survey; (b) Supplementary Data System.
3. Annual survey: (a) Collection form and reduced sample, 176 survey; (b) Status of 1975 survey; (c) Chartbook, bulletin, and OSHA guides for evaluating incidence rates, 1974 survey.
4. National Emphasis Program (NEP). (a) BLS role.
5. Quality assurance program.
6. Supplementary items for annual survey (1977).
7. Supplementary Data Systems (conceptual).

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 14th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-11345 Filed 4-19-76;8:45 am]

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEE ON CONSUMER AND WHOLESALE PRICES

Meeting

The BRAC Committee on Consumer and Wholesale Prices will meet at 9:30 a.m., May 10, 1976, at the General Accounting Office Building, 441 G Street NW., Room 2106, Washington, D.C. The agenda for the meeting is as follows:

1. Programs that BLS plans to include in its 1977 budget proposals.
2. Review of the methodology underlying the current family budgets program.
3. Plans for publication of revised CPI in 1977 and BLS plans for publishing CEX-Diary data in 1976.
4. Current status of CPI revision.

This meeting is open to the public. It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 523-1559.

Signed at Washington, D.C., this 14th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-11347 Filed 4-19-76;8:45 am]

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 18, 19, and 20 in Room 4454, General Accounting Office Building, 441 G Street NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

TUESDAY, MAY 18

9:30 a.m.—Committee on Wages and Industrial Relations

1. Work in progress.
2. Status of the Employment Cost Index.
3. Development of a training program for occupational wage collection.
4. Program recommendations for wage and industrial relations statistics in the public sector.
5. Studies for Department of Labor relating to minimum wage legislation.

TUESDAY, MAY 18

1:39 p.m.—Committee on Productivity, Technology, and Growth

1. Discussion of the report of the BLS Task Force on Hours Worked—Hours Paid.
2. Status report on industry and government productivity programs.
3. Relations with the National Center for Productivity and Quality of Working Life.

WEDNESDAY, MAY 19

9:30 a.m.—Committee on Prices and Living Conditions

1. Program plans in Fiscal Year 1977 budget proposals.
2. The Bureau's family budgets program.
3. Current status of the CPI revision.
4. Plans for publication of the revised Consumer Price Index in 1977; plans for publishing Consumer Expenditure Survey—Diary data in 1976.

WEDNESDAY, MAY 19

1:30 p.m.—Committee on Manpower and Employment

1. Status of job search and discouraged worker surveys.
2. New labor force projections.
3. Study of frictional unemployment for Joint Economic Committee.
4. Employment Review Commission—status of consideration for establishment.

5. Measures of unemployment, U₁–U₇.
6. Seasonal adjustment procedures—recent tests and reasons for revision.
7. Status of Local Area Unemployment Statistics Program.

THURSDAY, MAY 20

9:45 a.m.—Committee on Occupational Safety and Health Statistics

1. The use of BLS/Occupational Safety and Health Statistics data in meeting OSHA's standards problems.
2. Status of statistical grant program.
3. Annual surveys for 1974–76.
4. National Emphasis Program and the BLS role.
5. Quality assurance program.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523-1247.

Signed at Washington, D.C., this 13th day of April 1976.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.76-11346 Filed 4-19-76;8:45 am]

Labor-Management Services Administration

[Prohibited Transaction Exemption 76-1]

EMPLOYEE BENEFIT PLANS

Class Exemptions From Prohibitions Respecting Certain Transactions in Which Multiemployer and Multiple Employer Plans Are Involved

Correction

In FR Doc. 76-8766, appearing at page 12740, in the issue for Friday, March 26, 1976, make the following change:

On page 12744, in the middle column, paragraph C. remove the present line four and insert the following in its place "trative services, and the costs associated".

Office of the Secretary

[TA-W-747]

ALATEX INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Troy, Alabama plants of Alatech Inc., Andalusia, Alabama (TA-W-747).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by Alatech Inc. or an ap-

propriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 23, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11348 Filed 4-19-76;8:45 am]

[TA-W-733]

ALBERT GIVENS

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Albert Givens, East Chicago, Indiana, a division of Jaymar-Ruby, Michigan City, Indiana (TA-W-733).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress slacks produced by Albert Givens or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will fur-

ther relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11349 Filed 4-19-76;8:45 am]

[TA-W-738]

EXCELLO SHIRT CO.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 11, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Excello Shirt Company, Middlesboro, Kentucky, a division of Kayser-Roth, New York, New York (TA-W-738).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress shirts produced by Excello Shirt Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II,

Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11350 Filed 4-19-76;8:45 am]

[TA-W-712]

H. I. S.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of H.I.S., Tiptonville, Tennessee plant of Henry I. Segal Co., New York, New York (TA-W-712).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and ladies' jeans, slacks and leisure jackets produced by H.I.S. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is

filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11351 Filed 4-19-76;8:45 am]

[TA-W-713]

H. I. S.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of H. I. S., Dickson, Tennessee plant of Henry I. Segal Co., New York, New York (TA-W-713).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's and ladies' jeans, slacks and leisure jackets produced by H. I. S. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjust-

ment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11352 Filed 4-19-76;8:45 am]

[TA-W-714]

H. I. S.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of H. I. S., Fulton, Kentucky plant of Henry I. Segal Co., New York, New York (TA-W-714).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with mens' and ladies' jeans, slacks and leisure jackets produced by H. I. S. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11353 Filed 4-19-76;8:45 am]

[TA-W-715]

H. I. S.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of H. I. S., Bruceton, Tennessee plant of Henry I. Segal Co., New York, New York (TA-W-715).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with mens' and ladies' jeans, slacks and leisure jackets produced by H. I. S. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11354 Filed 4-19-76;8:45 am]

[TA-W-729]

HERCULES TROUSER COMPANY, INC.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976 the Department of Labor received a petition dated March 9, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the Amalgamated Clothing Workers of America on behalf of the workers and former workers of Fordyce, Arkansas plant of Hercules Trousers Co., Inc., Columbus, Ohio (TA-W-729).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purposes of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with men's dress and sport slacks produced by Hercules Trousers Co., Inc. or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13 the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11355 Filed 4-19-76;8:45 am]

[TA-W-711]

SWEDA INTERNATIONAL

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On March 26, 1976, the Department of Labor received a petition dated March 21, 1976, which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Sweda International, Clifton, New Jersey, a division of Litton Industries, Canoga Park, California (TA-W-711).

Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with business machines produced by Sweda International, or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of Section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 30, 1976.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 3rd St. and Constitution Ave., N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 26th day of March 1976.

MARVIN M. FOOKS,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-11356 Filed 4-19-76;8:45 am]

[TA-W-534]

ARMCO STEEL CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-534; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed on behalf of workers and former workers producing specialty steel at the Butler, Pennsylvania plant of Armco Steel Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4382). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corporation, its customers, the American Iron and Steel Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

Significant Total or Partial Separations. Employment of production and related workers at the Butler plant declined 19 percent in 1975 compared to 1974. Average weekly hours worked by production workers decreased 14 percent in 1975 compared to 1974.

Sales or Production or Both, Have Decreased Absolutely. Sales and production of specialty steel at the Butler plant declined 40.0 percent in quantity in 1975 compared to 1974.

Increased Imports. Imports of specialty steel increased slightly in 1971 compared to 1970, then decreased in 1972 and 1973. Imports increased 34 percent in 1974 compared to 1973. Imports increased 18

percent in the first nine months of 1975 compared to the like period in 1974, and the ratios of imports to domestic shipments and consumption were 23.2 percent and 20.3 percent, respectively.

Contributed Importantly. The evidence developed by the Department's investigation indicates that as prices of imported specialty steel became more attractive to consumers in the U.S., they switched from the domestic product to the imported product. In 1975, customers of Armco Steel switched their purchases from specialty steel products made at the Butler plant to imported specialty steel.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases in imports like or directly competitive with specialty steel produced at the Butler plant contributed importantly to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of specialty steel at Armco Steel Corporation, Butler plant located in Butler, Pennsylvania who became totally or partially separated from employment on or after December 18, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 2nd day of April 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-11357 Filed 4-19-76;8:45 am]

[TA-W-535]

BEN SHAPIRO SHOE COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-534; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed by workers formerly producing women's and children's Footwear at Ben Shapiro Shoe Company, Incorporated, Brooklyn, New York.

The notice of investigation was published in the Federal Register on January 29, 1976 (41 FR 4382). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ben Shapiro Shoe Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements

of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

Significant Total or Partial Separations. Average annual employment of all workers at Ben Shapiro Shoe Company declined 2.6 percent from 1973 to 1974. Employment declined 2.6 percent in the fourth quarter of 1974 compared to the like period of 1973 and declined 25.3 percent in the first eleven months of 1975 compared to the first eleven months of 1974. All workers were terminated on December 5, 1975, when the plant closed.

Sales or Production, or Both, Have Decreased Absolutely. The value of sales of women's and children's footwear at Ben Shapiro Shoe Company increased 34.9 percent from 1973 to 1974. In the first eleven months of 1975, the value of sales declined 34.8 percent compared to the same period in 1974.

Increased Imports. Imports of women's non-rubber footwear increased in each year from 1970 through 1973. While imports declined in 1974 from 1973, the ratios of imports to domestic production and consumption for 1974 of 103.6 percent and 50.9 percent, respectively, were well above the averages for 1970-1973 of 86.2 percent and 45.1 percent, respectively. In the first eleven months of 1975, the ratios of imports to domestic production and consumption increased to 106.9 percent and 51.7 percent, respectively, compared to 103.3 percent and 50.8 percent, respectively, in the first eleven months of 1974.

Imports of children's non-rubber shoes increased as a proportion of domestic production and consumption in each year from 1970 through 1972, decreased in 1973, then increased in 1974. In the first eleven months of 1975, the ratios of imports to domestic production and consumption were 67.3 percent and 40.2 percent, respectively, compared to 60 percent and 37.5 percent in the first eleven months of 1974.

Contributed Importantly. The evidence developed during the Department's in-

vestigation revealed that major customers of Ben Shapiro Shoe Company had reduced their purchases of women's and children's footwear from Ben Shapiro in favor of imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's and children's footwear produced at Ben Shapiro Shoe Company, Incorporated, Brooklyn, New York contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

"All employees of Ben Shapiro Shoe Company, Incorporated, Brooklyn, New York, who became totally or partially separated from employment on or after December 14, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 5th day of April 1976.

JAMES F. TAYLOR;
Director, Planning and
Evaluation Staff.

[FR Doc. 76-11358 Filed 4-19-76; 8:45 am]

[TA-W-400]

BRISTOL KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the result of TA-W-400: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 12, 1975 in response to a worker petition received on that date which was filed by the International Ladies' Garment Workers Union on behalf of workers formerly producing men's and women's sweaters and children's knit suits at Bristol Knitting Mills, Cornwells Heights, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on January 5, 1976 (41 FR 846). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Knitting Mills, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with articles produced by such workers' firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is importantly but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers at Bristol Knitting Mills, Inc., decreased 45 percent from 1973 to 1974. The plant closed in December 1974 and all workers were permanently separated.

Sales or Production, or Both, Have Decreased Absolutely. Total sales by Bristol Knitting Mills, Inc., declined 28.5 percent in value from 1973 to 1974. In December 1974, the plant closed and all sales operations ceased.

Increased Imports. Imports of men's and women's knit sweaters are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate date of imports of total sweaters (men, boys, women, misses, juniors and infants). Imports in this category increased in each year from 1970 through 1974. The ratios of imports to domestic production and consumption increased from 74.4 percent and 42.7 percent respectively in 1973 to 77.8 percent and 43.8 percent in 1974.

Imports of children's knit suits are not separately identified in the Tariff Schedules of the United States but are included in the aggregate data of imports of women's, girls', and infants' suits. Imports in this category increased in each year from 1970 through 1974. The ratios of imports to domestic production and consumption increased from 3.1 percent and 3.0 percent respectively in 1973 to 3.9 percent and 3.8 percent in 1974.

Contributed Importantly. Bristol Knitting Mills was a contractor producing knit children's suits, men's and boys' sweaters, and women's and misses' sweaters. In 1974, sweaters accounted for approximately 60 percent of Bristol's production.

Approximately 85 percent of Bristol's sales of sweaters were to one manufacturer. Retail customers of this manufacturer indicated that they had decreased purchases of the company's product while increasing purchases of competitive imported products.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the sweaters and infants' knit suits produced at Bristol Knitting Mills, Inc., Cornwells Heights, Pennsylvania, contributed importantly to the total or partial separations of the workers at that plant. In ac-

cordance with the provisions of the Act, I make the following certification:

"All workers at Bristol Knitting Mills, Inc., Cornwells Heights, Pennsylvania, who became totally or partially separated on or after November 28, 1974, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C., this 5th day of April 1976.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary
for Trade and Adjustment Policy.

[FR Doc.76-11359 Filed 4-19-76;8:45 am]

[TA-W-552]

THE BROWN SHOE CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-552: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 16, 1976 in response to a worker petition received on January 16, 1976 which was filed by The United Shoe Workers of America on behalf of workers and former workers producing men's shoes at the Piggott, Arkansas plant of The Brown Shoe Company.

The notice of investigation was published in the Federal Register on January 30, 1976 (41 FR 4690). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of The Brown Shoe Company, its customers, the American Footwear Industries Association, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That increases of imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but

not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 1.3 percent in 1974 compared to 1973. Employment of production workers declined 19.9 percent in 1975 compared to 1974. Employment declined in all four quarters of 1975 compared to the similar quarters in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Annual sales in quantity of men's shoes at the Piggott plant of Brown Shoe Company declined 14.9 percent in 1974 compared to 1973. Sales declined 10.2 percent in 1975 compared to 1974. First quarter sales in 1975 declined 31.4 percent compared to the same quarter of 1974.

Production of men's shoes at the Piggott plant declined 12.1 percent in quantity in 1974 compared to 1973. Production declined 13.4 percent in 1975 compared to 1974. First quarter 1975 production declined 34.8 percent compared to the same quarter of 1974.

Increased Imports. Imports of men's nonrubber footwear increased both absolutely and relatively in each year from 1970 through 1974. In the first eleven months of 1975, imports of men's shoes increased 7.2 percent compared to the like period in 1974. The ratios of imports to domestic production and consumption increased from 63.3 percent and 38.8 percent, respectively, in the first eleven months of 1974 to 73.4 percent and 42.3 percent in the like period of 1975.

Contributed Importantly. The Department's investigation revealed that customers of Brown Shoe Company's Piggott, Arkansas plant have increased their purchases of imported men's shoes since 1974. These customers cited lower prices of imported men's shoes as the influencing factor in the switch from shoes produced by Brown Shoe Company's Piggott, Arkansas plant to imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's shoes produced at the Piggott, Arkansas plant of The Brown Shoe Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of men's shoes at the Piggott, Arkansas plant of The Brown Shoe Company who became totally or partially separated from employment on or after December 31, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 5th day of April 1976.

JAMES F. TAYLOR,
Director,
Planning and Evaluation Staff.

[FR Doc.76-11360 Filed 4-19-76;8:45 am]

[TA-W-532]

GOBAR FOOTWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-532: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed by the Textile Workers of America on behalf of workers formerly producing women's footwear at Gobar Footwear, Incorporated, Middletown, New York.

The notice of investigation was published in the Federal Register on January 29, 1976 (41 FR 4378). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Gobar Footwear, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, The American Footwear Industries Association and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely; and

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all four criteria have been met.

Significant Total or Partial Separations. Average employment declined 27.1 percent in the fourth quarter of 1974 compared to the same period in 1973. Employment increased 37.4 percent in the first two months of 1975 compared to the same period in 1974 as the company completed and shipped its final orders. All workers were terminated by mid-March 1975, when the plant closed.

Sales or production, or Both, Have Decreased Absolutely. Production at Gobar

declined in each quarter of 1974 when compared to the previous quarters. Production declined 49.8 percent in the fourth quarter of 1974 compared to the same period in 1973 and declined 50.5 percent in the first quarter of 1975 compared to the first quarter of 1974. The company ceased operations in mid-March 1975.

Increased Imports. Imports of women's non-rubber footwear increased in each year from 1970 through 1973. While imports declined in 1974 from 1973, the ratios of imports to domestic production and consumption for 1974 of 103.6 percent and 50.9 percent, respectively, were well above the averages for 1970-1973 of 86.2 percent and 45.1 percent, respectively. In the first eleven months of 1975, the ratios of imports to domestic production and consumption increased to 106.9 percent and 51.7 percent, respectively, compared to 103.3 percent and 50.8 percent, respectively, in the first eleven months of 1974.

Contributed Importantly. The Department's investigation indicated that customers reduced purchases from Gobar in favor of imports.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's non-rubber footwear produced at Gobar Footwear, Incorporated, Middletown, New York contributed importantly to the total or partial separation of the workers of that company. In accordance with the provisions of the Act, I make the following certification:

"All workers of Gobar Footwear, Incorporated, Middletown, New York, who became totally or partially separated from employment on or after December 16, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of April 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-11361 Filed 4-19-76;8:45 am]

[TA-W-587]

GREENVILLE TUBES CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-587: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 6, 1976 in response to a worker petition received on February 6, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing stainless tubing at the Greenville, Pennsylvania plant of Greenville Tubes Corp.

The notice of investigation was published in the FEDERAL REGISTER on Feb-

ruary 20, 1976 (41 FR 7830). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Greenville Tubes Corp., its customers, the American Iron and Steel Institute, the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision thereof, have become totally or partially separated or are threatened to become totally or partially separated;

(2) That sales, production or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all the above criteria have been met.

Significant Total or Partial Separations. The average number of production workers at the Greenville, Pa. plant of Greenville Tubes Corp. declined 37 percent in 1974 compared to 1973, and declined 72 percent in 1975 compared to 1974. Average weekly hours worked increased by 9 percent in 1974 compared to 1973, but declined by 3 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales and production at the Greenville, Pa. plant of Greenville Tubes Corp. declined 9 percent in quantity in 1974 compared to 1973, and declined 83 percent in quantity in 1975 compared to 1974. Total company sales and production rose 40 percent in 1974 compared to 1973, but declined by 49 percent in 1975 over 1974.

Increased Imports. Imports of stainless tubing increased 100 percent in 1971 compared to 1970, declined by 60 percent from 1971 to 1973, and rose again in 1974 by 60 percent compared to 1973. Imports increased 28 percent in 1975 compared to 1974. The ratios of imports of stainless tubing to U.S. shipments and to U.S. consumption increased from 19.9 percent and 17.9 percent, respectively, in 1970 to 47.9 percent and 35.0 percent, respectively, in 1971. The ratios of imports to domestic shipments and consumption declined from 47.9 percent and 35.0 percent, respectively, in 1971 to 14.8 percent and 14.3 percent, respectively, in 1973. However, the import/shipments and im-

port/consumption ratios increased from 14.8 percent, and 14.3 percent, respectively, in 1973 to 16.0 percent and 16.3 percent, respectively, in 1974. The ratios of imports to domestic shipments and domestic consumption increased from the 1974 levels of 16.0 percent and 16.3 percent, respectively, to 25.7 percent and 24.0 percent, respectively, in 1975.

Contributed Importantly. The Department's investigation indicated that major customers of Greenville Tubes Corp. decreased their purchases from Greenville because cheaper imports of stainless tubing have taken an increasingly large share of the market. The customers of Greenville are distributors who sell to the end users of the product. Greenville's customers revealed that other distributors have increased their purchases of imported tubing because it is cheaper than domestic tubing and therefore more saleable to end users.

As a consequence of reduced customer purchases resulting from import competition, the Greenville, Pennsylvania plant has ceased production and laid-off workers indefinitely.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with stainless tubing produced at the Greenville, Pennsylvania plant of Greenville Tubes Corp. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers at the Greenville, Pennsylvania plant of Greenville Tubes Corp. who became totally or partially separated from employment on or after January 16, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 8th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc.76-11362 Filed 4-19-76;8:45 am]

[TA-W-574]

HASPEL BROTHERS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-574: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1976 in response to a worker petition received on January 30, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys' suits, sportcoats and leisure suits at Haspel Bros., Inc., New Orleans, Louisiana.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6823). No public hearing was requested and none was held.

The information upon which the determination was made obtained principally from officials of Haspel Bros., Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 4 percent in 1974 compared to 1973 and declined 15 percent in 1975 compared to 1974. Average hours worked declined 9 percent in 1974 compared to 1973 and declined 14 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Haspel Bros., Inc. and Haspel, Inc. of Tylertown, Mississippi operate in an integrated fashion for the production of men's clothing. Combined production increased by 5 percent from 1973 to 1974 and then decreased by 19 percent from 1974 to 1975.

Increased Imports. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of imports to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's and boys' sportcoats increased their share of the domestic

market each year from 1972 through 1974. The ratio of imports to domestic production and consumption increased from 17.1 percent and 14.6 percent, respectively, in 1972 to 22.3 percent and 18.2 percent, respectively, in 1974. The ratio of imports to domestic production increased from 24.6 percent in the first 9 months of 1974 to 41.9 percent in the first 9 months of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first 9 months of 1975 compared to the first 9 months of 1974.

Contributed Importantly. The Department's investigation revealed that production and employment at Haspel Bros., Inc. has been adversely affected by increased imports of men's clothing. Major customers have decreased purchases from Haspel in favor of less expensive clothing or have decreased purchases due to the loss of customers to major retail chains that have substantially increased their stock of imported men's and boys' clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's and boys' suits, sportcoats and leisure suits produced by Haspel Bros., Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly and piecework employees at Haspel Bros., Inc., New Orleans, Louisiana who became totally or partially separated from employment on or after January 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of April 1976.

JAMES F. TAYLOR,
Director,

Planning and Evaluation Staff.

[FR Doc. 76-11363 Filed 4-19-76; 8:45 am]

[TA-W-575]

HASPEL, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-575: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 30, 1976 in response to a worker petition received on January 30, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing men's and boys' suits and leisure suits at Haspel, Inc., Tylertown, Missis-

issippi, a subsidiary of Haspel Brothers, Inc., New Orleans, Louisiana.

The notice of investigation was published in the FEDERAL REGISTER on February 13, 1976 (41 FR 6824). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Haspel, Inc., its customers, the Clothing Manufacturers Association of the U.S.A., the Department of Commerce, the International Trade Commission, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers declined 2 percent in 1974 compared to 1973 and declined 7 percent in 1975 compared to 1974. Average hours worked declined 13 percent in 1974 compared to 1973 and declined 7 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Haspel, Inc. and Haspel Bros., Inc. of New Orleans, Louisiana operate in an integrated fashion for the production of men's and boys' suits and leisure suits with Haspel, Inc. producing all the suit pants and vests. Combined production increased by 5 percent from 1973 to 1974 and then decreased by 19 percent from 1974 to 1975.

Increased Imports. Imports of men's and boys' suits increased relative to domestic production and consumption in each year from 1971 through 1973. While imports of men's and boys' suits fell slightly in 1974 compared to 1973, the ratios of import to domestic production and consumption in 1974 of 9.9 percent and 9.0 percent, respectively, were well above the 1971-1973 average of 8.6 percent and 7.8 percent, respectively. In the first 9 months of 1975, imports of men's and boys' suits increased 86 percent compared to the first 9 months of 1974. The

ratio of imports to domestic production increased from 8.7 percent in the first 9 months of 1974 to 19.9 percent in the first 9 months of 1975.

Imports of men's leisure suits are not separately identified in the Tariff Schedules of the United States. They are included with the aggregate data on imports of men's and boys' suits. The data show that imports of men's suits increased both absolutely and relatively in the first 9 months of 1975 compared to the first 9 months of 1974.

Contributed Importantly. The Department's investigation revealed that production and employment at Haspel, Inc., has been adversely affected by increased imports of men's clothing. Major customers have decreased purchases from Haspel in favor of less expensive clothing or have decreased purchases due to the loss of customers to major retail chains that have substantially increased their stock of imported men's and boys' clothing.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with men's suits and leisure suits produced by Haspel, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provision of the Act, I make the following certification:

"All hourly and piecework employees at Haspel, Inc., Tylertown, Mississippi who became totally or partially separated from employment on or after January 20, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 2nd day of April 1976.

JAMES F. TAYLOR,
Director,

Planning and Evaluation Staff.

[FR Doc. 76-11364 Filed 4-19-76; 8:45 am]

[TA-W-519]

PRODUCTION MOLDED PLASTICS, INC.
Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-519: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1975 in response to a worker petition received on December 19, 1975 which was filed by workers and former workers producing custom molded plastic parts for automobiles and television sets at the Alliance, Ohio plant of Production Molded Plastic, Incorporated.

The notice of investigation was published in the FEDERAL REGISTER on January 12, 1976 (41 FR 1836). No public hearing was requested and none was held.

The information upon which the determination was made was obtained prin-

cipally from officials of Production Molded Plastics, Incorporated, its customers, the Office of Management and Budget, the U.S. Department of Commerce, and the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in that workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation has revealed that all four criteria have been met.

Significant Total or Partial Separations. The average number of production workers decreased 5 percent from 1973 to 1974 and 60 percent in the first quarter of 1975 compared to the like period in 1974. Average weekly hours worked by production workers fell 9 percent from 1973 to 1974 and 10 percent in the first quarter of 1975 compared to the like period in 1974.

The average number of salaried workers fell 30 percent from 1973 to 1974 and 71 percent in the first quarter of 1975 compared to the same quarter in 1974.

Sales or Production, or Both, Have Decreased Absolutely. Total sales in quantity at Production Molded Plastics, Alliance, Ohio decreased 8 percent from 1973 to 1974 and 76 percent in the first nine months of 1975 compared to the same period of the previous year. The plant closed in April 1975.

Increased Imports. The value of imports of custom molded plastic automobile parts like or directly competitive with those produced at the Alliance plant increased from \$249 thousand in 1970 to \$15,406 thousand in 1973. While dipping slightly in 1974, they continued their climb in 1975, reaching \$16,019 thousand.

The ratios of imports to domestic consumption and production increased from .08 percent and .07 percent, respectively in 1970 to 2.3 percent and 2.2 percent in 1973. The ratios for 1974 were higher than those for 1972 and prior years but slightly lower when compared with 1973. Ratios were not available for 1975; however, imports did increase absolutely again from 1974 to 1975.

Contributed Importantly. Plastic molded parts for automobiles constituted 86 percent of Production Molded Plastics' (PMP) sales before the closing of the plant. Seven of these product lines, constituting 83 percent of total sales were transferred to the corporation's Canadian facility, North American Plastics Co., Limited (NAP). Since the transfer 93 percent of those product lines that had been transferred to Canada have been shipped back into the United States for sale to PMP's former customers.

After the completion of the transfer of production and the ceasing of production at the Ohio plant, in April 1975, sales jumped at the Canadian plant during the second quarter of 1975, reversing a previous downward trend.

The evidence developed by the Department's investigation indicated that the transfer of production from PMP to the corporate facility in Canada and the subsequent importation of those products into the United States contributed importantly to the separation of workers engaged in employment related to the production of custom molded plastic parts at the Alliance, Ohio plant of Production Molded Plastics, Inc.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with custom molded plastic automobile parts produced at the Alliance, Ohio plant of Production Molded Plastics, Inc. contributed importantly to the total or partial separation of the workers of the plant. In accordance with provisions of the Act, I make the following certification:

"All hourly, piecework, and salaried workers engaged in employment related to the production of custom molded plastic parts at the Alliance, Ohio plant of Production Molded Plastics, Inc. who became totally or partially separated from employment on or after November 7, 1974 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

Signed at Washington, D.C. this 5th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and Evaluation Staff.

[FR Doc. 76-11365 Filed 4-19-76; 8:45 am]

[TA-W-543]

KELLWOOD CO.

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-543: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed on behalf of workers formerly producing inflatable boats at the Bland,

Missouri plant of the Kellwood Company, St. Louis, Missouri.

The notice of investigation was published in the *FEDERAL REGISTER* on January 29, 1976 (41 FR 4379). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Kellwood Company, its customer, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first and second criteria have been met, the third and fourth criteria have been met.

Significant Total or Partial Separations. The average number of production workers at the Bland plant declined 81.5 percent in 1975 compared to 1974.

Sales or Production, or Both, Have Decreased Absolutely. Sales declined 60.5 percent in 1975 compared to 1974. Production at the Bland plant ceased in February 1975.

Increased Imports. Total imports of inflatable boats, to be used with and without a motor, decreased from 907 thousand units in 1973 to 561 thousand units in 1974, and then to 323 thousand units in 1975. This represented a decline in imports of 38.1 percent from 1973 to 1974 and 42.4 percent from 1974 to 1975.

Contributed Importantly. Until 1974, the domestic market for inflatable boats was almost exclusively supplied by foreign manufacturers. This market had steadily increased from 1970 through 1973, while U.S. production of inflatable boats remained insignificant relative to imports.

The substantial increase in sales of inflatable boats from 1970 through 1973 encouraged U.S. manufacturers to enter the market. Kellwood began production of inflatable boats in late 1973 after receiving a contract from a major retail chain. This retailer had previously sold only imported boats.

Adverse economic conditions in 1975 caused demand for inflatable boats to fall sharply. Kellwood's retail customer

substantially reduced purchases from Kellwood and virtually ceased purchases of imported boats. During 1975, the retailer sold inflatable boats almost exclusively from inventory.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with inflatable boats produced at the Bland, Missouri plant of the Kellwood Company, St. Louis, Missouri did not contribute importantly to the total or partial separations of the workers at such plant.

Signed at Washington, D.C. this 4th day of April 1976.

JAMES F. TAYLOR,
Director, Planning and
Evaluation Staff.

[FR Doc. 76-11366 Filed 4-19-76; 8:45 am]

[TA-W-623]

TELEDYNE WISCONSIN MOTOR

Notice of Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-623: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 20, 1976 in response to a worker petition received on that date which was filed by the United Auto Workers of America on behalf of workers and former workers producing air-cooled gasoline engines at the West Allis, Wisconsin plant of Teledyne Wisconsin Motor, a division of Teledyne, Inc., Los Angeles, California.

The Notice of Investigation was published in the *FEDERAL REGISTER* on March 12, 1976 (41 FR 10651). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Teledyne Wisconsin Motor, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first two criteria have been met, the third and fourth criteria have not been met.

Significant Total or Partial Separations. The average number of production workers at Teledyne Wisconsin Motor declined 39 percent in 1975 compared to 1974 and declined 40 percent in the first quarter of 1976 compared to the same period in 1975.

Sales or Production, or Both, Have Decreased Absolutely. Sales of air-cooled gasoline engines produced at the West Allis plant decreased 37 percent in quantity in 1975 compared to 1974 and decreased 42 percent in quantity in the first two months of 1976 compared to the same period in 1975.

In addition to the air-cooled gasoline engines produced at the West Allis plant, Teledyne Wisconsin Motor also distributes imported diesel and small horsepower gasoline engines. Sales of imported engines by Teledyne Wisconsin Motor declined 31 percent in quantity in 1975 from 1974 and declined 72 percent in the first two months of 1976 compared to the same period in 1975.

Increased Imports. Imports of heavy duty gasoline engines increased 46 percent in 1972 compared to 1971. In each year from 1972 to 1975, imports of such engines decreased both absolutely and relatively. In 1975, imports decreased 6 percent compared to 1974. The import/production and import/consumption ratios decreased from 2.39 percent and 2.75 percent, respectively, in 1974 to 2.21 percent and 2.48 percent, respectively, in 1975.

Imports of heavy duty diesel engines increased 29 percent in 1972 compared to 1971, 29 percent in 1973 compared to 1972, and 4 percent in 1974 compared to 1973. From 1974 to 1975 imports decreased 21 percent and the import/production and import/consumption ratios decreased from 28.96 percent and 24.95 percent, respectively, in 1974 to 21.44 percent and 19.76 percent, respectively, in 1975.

Contributed Importantly. The Department's investigation reveals that the decline in sales and separation of workers at Teledyne Wisconsin Motor were due to general economic conditions and a decline in activity in the domestic construction industry. Major customers of Teledyne Wisconsin Motor who purchased imported engines, including imported engines sold by Wisconsin Motor, indicated that such engines were in different horsepower ranges and were purchased for different end-uses than engines produced by Wisconsin Motor at West Allis. The customers indicated that a decline in construction activity and high prices

caused them to reduce purchases from Teledyne Wisconsin Motor. Moreover, sales of imported engines by Teledyne Wisconsin Motor, most of which are in a lower horsepower range than engines produced at West Allis, declined during the same period in which sales of engines produced at West Allis were declining.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increased imports like or directly competitive with air-cooled gasoline engines produced by Teledyne Wisconsin Motor, West Allis, Wisconsin, a subsidiary of Teledyne, Inc., did not contribute importantly to the separation of workers of that firm.

Signed at Washington, D.C. this 8th day of April 1976.

JAMES F. TAYLOR,
Director Planning and
Evaluation Staff.

[FR Doc. 76-11367 Filed 4-19-76; 8:45 am]

[TA-W-536]

MOTOROLA INCORPORATED SEMI-CONDUCTOR PRODUCTS DIVISION

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-536: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 9, 1976 in response to a worker petition received on January 9, 1976 which was filed by the workers and former workers producing semiconductors at the Mesa, Arizona plant of Motorola Incorporated, Chicago, Illinois. The petition was expanded to include workers at the Phoenix, Arizona and Austin, Texas plants of Motorola, Incorporated Semiconductor Products Division.

The notice of investigation was published in the FEDERAL REGISTER on January 29, 1976 (41 FR 4380). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Motorola, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely;

(3) that articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that all of the above criteria have been met for the Phoenix and Mesa plants. However for the Austin plant criterion one has not been met.

Significant Total or Partial Separations. The average number of production workers at Mesa declined 32.7 percent from 1974 to 1975. In the fourth quarter of 1974, employment declined 10.4 percent compared to the fourth quarter of 1973. Average employment of salaried workers declined 24.6 percent from 1974 to 1975.

The average number of production workers at Phoenix declined 55.2 percent from 1974 to 1975. Average quarterly employment decreased 32.6 percent in the fourth quarter of 1974 compared to the fourth quarter of 1973. Average employment of salaried workers declined 31.0 percent from 1974 to 1975.

The Austin plant was opened in 1974. Employees were first trained in the production of MOS circuits at the Phoenix plant and then transferred to the Austin plant. Average quarterly employment at the Austin plant decreased 16.7 percent in the second quarter of 1975 when compared to the first quarter of 1975. Average quarterly employment increased 400 percent in the third quarter and 128 percent in the fourth quarter of 1975 when compared to the previous quarter of 1975.

Sales or Production, or Both, Have Decreased Absolutely. The value of sales of bipolar integrated circuits declined 23.8 percent from 1974 to 1975. Sales declined 34.5 percent from the third to the fourth quarter of 1974. Sales increased 11.6 percent from the first to the second quarter of 1975.

The value of sales of discrete transistors declined 23.7 percent from 1974 to 1975. Sales declined 24.0 percent from the third to the fourth quarter of 1974. Sales increased 5.6 percent from the first to the second quarter of 1975.

The value of sales of MOS circuits declined 24.5 percent from 1974 to 1975. Sales declined 31.5 percent from the third to the fourth quarter of 1974. Sales increased 25.5 percent from the first quarter to the second quarter of 1975.

Bipolar integrated circuits are produced at Mesa. Discrete transistors and MOS circuits were both produced at Phoenix until June 1975. In mid-1975, MOS production was transferred to the new Austin plant.

Increased Imports. Imports of integrated circuits like or directly competitive with those produced by Motorola

Semiconductor Products Division increased 514.9 percent from 1970 to 1974. Domestic production of integrated circuits increased 276.8 percent during the same period. The ratio of imports to domestic production increased each year from 1970 through 1974. In the first ten months of 1975, imports declined absolutely and relatively compared to the first ten months of 1974. The ratio of imports to domestic production declined from 88.9 percent in the first ten months of 1974 to 78.9 percent in the comparable period of 1975.

Imports of transistors like or directly competitive with those produced by the Motorola Semiconductor Products Division increased 275.4 percent from 1970 to 1974. Domestic production of transistors increased 55.1 percent during the same period. The ratio of imports to domestic production increased from 56.6 percent in 1970 to 137.0 in 1974. In the first ten months of 1975, imports declined absolutely and relatively compared to the first ten months of 1974. The ratio of imports to domestic production declined from 136.4 percent in the first ten months of 1974 to 98.2 percent in the comparable period of 1975.

Contributed Importantly. The Department's investigation indicated that while the majority of Motorola's customers do not import semiconductors, their U.S. based suppliers, including Motorola, own production facilities overseas and import unfinished devices. In 1975, captive imports represented 75 percent of the total volume of integrated circuit and 67 percent of transistor imports.

In 1973, the value of Motorola's imports represented 5.5 percent of the total value of the company's semiconductor sales (including pieces produced domestically and imports). The proportion of company imports to sales increased to 7.8 percent in 1974 and 8.6 percent in 1975.

Motorola's semiconductor sales began declining in the third quarter of 1974. Imports of integrated circuits and transistors peaked in 1974. Significant layoffs occurred at Phoenix and Mesa in November and December of 1974, and January, April, October and November 1975. Separations in the fourth quarter of 1974 and the first quarter of 1975, can be attributed to increased competition from imported semiconductors.

In the early 1970's the company decided to transfer MOS production from Phoenix to a new location. The semiconductor market was strong and additional capacity was needed at the Phoenix plant. Austin, Texas was selected for the new plant location because Motorola had saturated the Phoenix-Mesa labor market. The Austin facilities were completed in 1974 and plans for moving MOS production were underway. The final transfer was completed in mid-1975. Subsequent to initial start up problems, employment at Austin increased in each month from May through December 1975.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like

or directly competitive with integrated circuits produced at the Mesa plant and transistors produced at the Phoenix plant contributed importantly to the total or partial separations of the workers of those plants in the fourth quarter of 1974 through the first quarter of 1975. In accordance with the provisions of the Act, I make the following certifications:

"All hourly and salaried workers engaged in employment related to the production of integrated circuits at the Mesa, Arizona plant of Motorola, Inc., Chicago, Illinois who became totally or partially separated from employment on or after December 8, 1974 and before April 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974," and

"All hourly and salaried workers engaged in employment related to the production of transistors at the Phoenix, Arizona plant of Motorola, Inc., Chicago, Illinois who became totally or partially separated from employment on or after December 8, 1974 and before April 1, 1975 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974."

It is further concluded that separations of workers engaged in the production of MOS circuits at the Phoenix, Arizona plant were related to the transfer of MOS production from Phoenix to Austin, Texas. Without regard to any of the other criteria, criterion one has not been met at the Austin plant. Employment at Austin increased 950 percent from the first quarter of 1975 to the fourth quarter of 1975.

Signed at Washington, D.C. this 7th day of April 1976.

JAMES F. TAYLOR,
Director Planning and
Evaluation Staff.

[FR Doc.76-11368 Filed 4-19-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 29]

ASSIGNMENT OF HEARINGS

APRIL 15, 1976.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113855 (Sub-No. 334), International Transport, Inc., now assigned July 1, 1976, at Washington, D.C., is postponed to July 7, 1976, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127812 Sub 21, Tyson Truck Lines, Inc., now assigned May 11, 1976, at St. Paul, Minn., is postponed to June 8, 1976 (3 days), in Court Room 2, 7th Floor, Federal Building & U.S. Courthouse, 316 North Roberts St.

MC 94742 Sub 37, Michaud Bus Lines, Inc., now assigned June 14, 1976, at Boston, Mass., is postponed to September 13, 1976, at Boston, Mass. (1 week), in a hearing room to be later designated.

MC 124211 Sub 271, Hilt Truck Line, Inc., application dismissed.

MC 141454, Dixie Tomato & Packaging, Inc., now being assigned May 26, 1976 (1 day), at Baton Rouge, Louisiana, in a hearing room to be later designated.

I & S 9108, Cancellation of Tofo Service, Consolidated Rail Corporation, now being assigned May 26, 1976, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 130342, Consolidated Tours, Inc., now assigned July 12, 1976, at St. Paul, Minn., is postponed to July 19, 1976, at St. Paul, Minn. (1 week), in a hearing room to be later designated.

MC 115904 (Sub 38), Grover Trucking Co., now being assigned May 20, 1976 (2 days), at Albuquerque, New Mexico, in a hearing room to be later designated.

MC 59856 Sub 65, Salt Creek Freightways, now assigned May 19, 1976, at Denver, Colo., is postponed indefinitely.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11381 Filed 4-19-76;8:45 am]

[Notice No. 49]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 15, 1976.

The following are notices of filing of applications for temporary authority under Section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 C.F.R. § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Sec-

retary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30374 (Sub-No. 25TA), filed April 2, 1976. Applicant: TRI-STATE TRANSPORTATION CO., INC., Interstate Industrial Park, P.O. Box "A", Bellmawr, N.J. 08030. Applicant's representative: Thomas F. X. Foley, 744 Broad St., Suite 2005, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, equipment, and supplies* (except commodities in bulk) used in the manufacture of wearing apparel, between Baltimore, Md., on the one hand, and, on the other, Eldersburg, Md. Applicant intends to tack the authority here applied for to its existing authority in MC 30374, and MC 30374 subs 17 and 19, and in particular at Philadelphia, Pa., Seacaucus, N.J., and New York, N.Y., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Londontown Corporation, 3600 Clipper Mill Road, Baltimore, Md. 21211. Send protests to: Dieter H. Harper, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 67866 (Sub-No. 32TA), filed April 7, 1976. Applicant: FILM TRAN-SIT, INC., 3931 Homewood St., Memphis, Tenn. 38118. Applicant's representative: Warren H. Goff, 5100 Poplar Ave., Suite 2008, Memphis, Tenn. 38137. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and livestock), between points in an area and on the line which bounds that area commencing at the southwest corner of Arkansas, thence north along the Arkansas-Texas State line to Texarkana, Ark., thence west along the Arkansas-Texas State Line to the Arkansas-Oklahoma State line thence north along the Arkansas-Oklahoma State Line to the Arkansas-Missouri State Line, thence east along the Arkansas-Missouri State Line to its intersection with U.S. Highway 62, thence east along U.S. Highway 62 to New Madrid, Mo., at the Mississippi River, thence northeast along the meanders of the Mississippi River to Paducah, Ky., thence southeast along U.S. Highway 68 to its intersection with U.S. Highway 641, thence south along U.S. Highway 641 to the Kentucky-Tennessee State Line, thence east along the Kentucky-Tennessee State Line to its intersection with U.S. Highway 31W.

Thence south along U.S. Highway 31W to Nashville, Tenn., thence south along U.S. Highway 31 to Columbia, Tenn., thence southeast along Tennessee Highway 50 to Lewisburg, Tenn., thence south along U.S. Highway 431 to the Tennessee-Alabama State Line, thence

west along the Tennessee-Alabama State Line to its intersection with Alabama Highway 17, thence south along Alabama Highway 17 to Hamilton, Ala., thence west along U.S. Highway 78 to the Alabama-Mississippi State Line, thence south along the Alabama-Mississippi State Line to its intersection with U.S. Highway 80, thence west along U.S. Highway 80 to the Mississippi-Louisiana State Line, thence north along the Mississippi-Louisiana State Line to the Arkansas-Louisiana State Line, thence west along the Arkansas-Louisiana State Line to the point of beginning, and Lillbourn, Mo. Restriction: No service shall be rendered in the transportation of any package or article weighing more than 70 pounds or exceeding 96 inches in length, or exceeding 150 inches in length and girth combined. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day.

NOTE.—Applicant now holds all of the authority here sought except between points in Arkansas west of the following line: Commencing at Texarkana, Ark., thence east along Interstate Highway 30 to its intersection with Arkansas State Highway 7, thence north along Arkansas State Highway 7, thence west along Arkansas State Highway 10 to Fort Smith, Ark., thence north along U.S. Highway 71 to the Arkansas-Missouri State Line. The authority is contained in Docket No. MC 67866 (Sub-No. 30) and is limited to single packages which do not exceed 108 inches in length and girth combined. The effect of this application will be to authorize additional authority in the Southwestern corner of Arkansas, and to increase the permissible package size from 108 inches in length and girth combined to 96 inches in length, and 150 inches in length and girth combined. Applicant intends to interline at Texarkana, Tex., and Natchez, Miss., for 180 days.

Supporting shippers: There are approximately 25 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 106674 (Sub-No. 192TA), filed April 7, 1976. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio, to Indianapolis, Ind., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B-G Beverage Co., Inc., 1102-08 Stadium Drive, Indianapolis, Ind. 46202. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 109689 (Sub-No. 297TA), filed April 6, 1976. Applicant: W. S. HATCH CO., 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium sulfide*, in bulk, from Sahuarita, Ariz., to Delta, Utah, for 180 days. Supporting shipper: Brush Wellman Company, P.O. Box 815, Delta, Utah 84624. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 111729 (Sub-No. 638TA), filed April 7, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automotive repair and replacement parts, supplies, equipment, and accessories, and related business papers*, restricted against the transportation of packages or articles weighing in excess of 40 pounds each and 160 pounds in the aggregate from one consignor to one consignee on any one day, between Davenport, Iowa, on the one hand, and, on the other, points in Adams, Boone, Bureau, Carroll, Hancock, Henry, Knox, LaSalle, Lee, McDonough, Mercer, Peoria, Rock Island, Stevenson, Warren, Whiteside, and Winnebago Counties, Ill., for 180 days. Supporting shipper: I. T. T. Mills Distributing, 3737 West River Drive, Davenport, Iowa 52802. Send protests to: Anthony D. Gaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 115904 (Sub-No. 48TA), filed April 6, 1976. Applicant: GROVER TRUCKING CO., 1710 Broadway, Idaho Falls, Idaho. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, Idaho. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from the port of entry on the International Boundary line between the United States and Canada located at or near Sumas, Wash., to Boise, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Chandler Supply Co., 1201 North Orchard, Boise, Idaho 83704. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 116645 (Sub-No. 21TA), filed April 7, 1976. Applicant: DAVIS TRANSPORT CO., P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Liquid animal feeds, supplements, and molasses*, in bulk, in tank vehicles, from the facilities of Cargill, Inc., at Sterling, Colo., to points in Montana, Wyoming, Colorado, those in South Dakota on and west of U.S. Highway 83, those in Nebraska on and west of U.S. Highway 281, and those in Kansas on and west of U.S. Highway 281, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cargill, Incorporated, Cargill Bldg., #1412, Minneapolis, Minn. 55402. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 118535 (Sub-No. 59TA), filed April 5, 1976. Applicant: TIONA TRUCK LINE, INC., 111 S. Prospect, Butler, Mo. 64730. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lead oxide*, in bulk, in tank vehicles, from Terrell, Tex., to Selma, Ala.; Hot Springs, Ark.; Geneva, Ill.; Corydon, Burlington, and Manchester, Iowa; Leavenworth and Salina, Kans.; Louisville, Ky.; Baton Rouge and Shreveport, La.; Minneapolis and St. Paul, Minn.; Florence, Miss.; Oklahoma City, Okla.; Sumter, S.C.; and Memphis, Tenn., for 180 days. Supporting shipper: Powerlab, Inc., P.O. Box 913, Terrell, Tex. 75160. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 119555 (Sub-No. 10TA), filed April 7, 1976. Applicant: OIL AND INDUSTRY SUPPLIERS, LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Applicant's representative: Ray F. Koby, 314 Montana Bldg., Great Falls, Mont. 59401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic ammonia compounds*, in bulk, in tank vehicles, from the plantsites of Mrmak Co., at or near Morris and McCook, Ill., to ports of entry on the United States-Canada Boundary line located at or near Port Huron and Marine City, Mich.; restricted to shipments destined to Longford Mills, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: C. T. Freudenbert, Controller, Armour Industrial Chemicals, Ltd., 100 University Ave., Toronto, Ontario, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave. North, Billings, Mont. 59101.

No. MC 123048 (Sub-No. 339TA), filed April 7, 1976. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st St., Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 W. Doty St., Madison, Wis. 53703. Authority sought to operate as a *com-*

mon carrier, by motor vehicle, over irregular routes, transporting: *Tractors and combines*, from the facilities of Satra Belarus, Inc., at or near Milwaukee, Wis., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Nebraska, Ohio, Pennsylvania, South Dakota, and Wisconsin, restricted to shipments having a prior movement by water, for 180 days. Supporting shipper: Satra Belarus, Inc., 705 W. Parkland Court, Milwaukee, Wis. 52223. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 126899 (Sub-No. 97TA), filed April 2, 1976. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: William A. Usher (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and incidental advertising material* when shipped with malt beverages, from Evansville, Ind., to Ohio, Buffalo, N.Y., and the lower peninsula of Michigan, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: George A. Dahnke, Traffic Manager, G. Heileman Brewing Company, Inc., 925 South Third St., LaCrosse, Wis. 54601. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 128685 (Sub-No. 19TA), filed April 5, 1976. Applicant: DIXON BROS., INC., P.O. Drawer 8, Newcastle, Wyo. 82701. Applicant's representative: Jerome Anderson, 100 Transwestern Bldg., 404 N. 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from Newcastle, Wyo., to points in Wisconsin, Illinois, Michigan, and Indiana, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Cambria Forest Industries, Inc., P.O. Box 490, Newcastle, Wyo. 82701. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006 Federal Bldg. & Post Office, 100 East "B" St., Casper, Wyo. 82601.

No. MC 129994 (Sub-No. 14TA), filed April 6, 1976. Applicant: RAY BETHERS TRUCKING, INC., 176 West Central Ave., Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Bldg., 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, from Escalante, Utah, to points in California and Colorado, for 180 days. Supporting shippers: Skyline Lumber, P.O. Box B, Escalante, Utah 84726. Steed Enterprises, P.O. Box B, Escalante, Utah 84726. Send protests to:

Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 133562 (Sub-No. 19TA), filed April 6, 1976. Applicant: HOLIDAY EXPRESS CORPORATION, P.O. Box 115, Estherville, Iowa 51335. Applicant's representative: Edward A. O'Donnell, 1004 29th St., Sioux City, Iowa 51104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged commercial fertilizer*, from Estherville, Iowa, to points in Nebraska, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Swift Agricultural Chemicals Corporation, 111 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 134477 (Sub-No. 108TA), filed April 6, 1976. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meat* (except commodities in bulk), from Huron, S. Dak., to Chicago and Aurora, Ill.; Milwaukee, Butler, New Berlin, Eau Claire, and Minong, Wis., restricted to traffic originating at the plantsite and storage facilities of Huron Dressed Beef, Inc., located at or near Huron, S. Dak., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Huron Dressed Beef, Inc., Huron, S. Dak. Send protests to: A. W. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134755 (Sub-No. 73TA), filed April 5, 1976. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner St., P.O. Box 3772, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, and agricultural commodities, the transportation of which is partially exempt under Section 203(b) (6) of the Interstate Commerce Act, when transported in mixed loads with foodstuffs; (1) Between Blue Eye, Mo., on the one hand, and, on the other, points in California; and (2) Between Blue Eye, Mo., on the one hand, and, on the other, points in Massachusetts, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Earthwonder, Inc., Blue Eye, Mo. 65611. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Com-

mission, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 136337 (Sub-No. 5TA), filed April 6, 1976. Applicant: RICHARD D. PEASE, doing business as R. P. TRUCKING, Route 2, Box 14, Warrens, Wis. 54666. Applicant's representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, Wis. 53706. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Transformers*, weighing 2,000 pounds or less, and *incidental power line construction materials*, when moving with transformers weighing 2,000 pounds or less, between Oakdale and Madison, Wis., on the one hand, and, on the other, points in Wisconsin, Iowa, and Minnesota, restricted against the transportation of commodities (except transformers weighing 2,000 pounds or less), which because of size or weight require special handling or equipment and further restricted to service to be performed under a continuing contract or contracts with Rural Electric Supply Cooperative (RESCO), Madison, Wis., for 180 days. Supporting shipper: Rural Electric Supply Cooperative (RESCO), 1810 S. Park St., Madison, Wis. 53713. Send protests to: Richard K. Shallow, District Supervisor, Interstate Commerce Commission, 135 W. Wells St., Room 807, Madison, Wis. 53203.

No. MC 141552 (Sub-No. 2TA), filed April 7, 1976. Applicant: JAMES R. SMITH POULTRY AND PRODUCE COMPANY, INC., P.O. Box 790, Cullman, Ala. 35055. Applicant's representative: John Tucker, 914 Woodward Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages, pallets, can openers, and malt beverage advertising materials, when moving in the same vehicle with malt beverages*; from Perry, Ga.; Newport, Ky.; Evansville, Ind.; Baltimore, Md., to points in Jefferson County, Ala.; from New Orleans, La.; Baltimore, Md., and Belleville, Ill., to points in Montgomery County, Ala., and Pike County, Ala.; from Jacksonville, Fla.; New Orleans, La.; Baltimore, Md., and Belleville, Ill., to points in Tuscaloosa County, Ala., and points in Marengo County, Ala.; from St. Joseph, Mo., San Antonio, Tex., and Fort Worth, Tex., to points in Dallas County, Ala.; from Baltimore, Md., Evansville, Ind., New Orleans, La., to points in Dallas County, Ala.; from Evansville Ind., and Newport, Ky., to points in Montgomery County, Ala., and Calhoun County, Ala.; and from Newport, Ky., to points in Calhoun County, Ala., Etowah County, Ala., and Montgomery County, Ala.; from Memphis, Tenn., Milwaukee, Wis., Longview, Tex., and Winston-Salem, N.C., to points in Jefferson County, Ala.; and from Tampa, Fla., to points in Jefferson County, Ala.; and (2) *Wine*, from Madera, Calif., to points in Montgomery County, Ala., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 statements of support attached

to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Bldg., Birmingham, Ala. 35203.

No. MC 141882 (Sub-No. 1TA), filed April 6, 1976. Applicant: GAYLE T. McGARRY, doing business as EAGLE TRANSFER & STORAGE CO., P.O. Box F, Lewiston, Idaho 83501. Applicant's representative: Gene P. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Carbonated beverages*; (a) from Worland, Wyo., and Yakima, Wash., to Lewiston, Idaho, and (b) from Lewiston, Idaho, to Pendleton, Oreg., Spokane, Wash., and Coeur D'Alene, Idaho, and (2) *Empty glass bottles*, from Portland, Oreg., and Seattle, Wash., to Lewiston, Idaho, restricted to a transportation service to be performed under a continuing or contracts with Idaho Beverages, Inc., Lewiston, Idaho, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Idaho Beverages, Inc., 2108 First Ave. North, Lewiston, Idaho 83501. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141897 (Sub-No. 1TA), filed March 29, 1976. Applicant: PHIL POGGI TRUCKING, 467 West Aten Road, Imperial, Calif. 92251. Applicant's representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, Ariz. 85014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Phoenix and Casa Grande, Ariz., to Fairline Feeding Corporation facilities, located at or near Calipatria, Calif., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Fairline Feeding Corp., P.O. Box F, Calipatria, Calif. 92233. Send protests to: Mildred I. Price, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, Calif. 90012.

No. MC 141921 TA, filed March 29, 1976. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03101. Applicant's representative: Kenneth L. Ackerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pieces thereof and commodities in bulk), from Spencer, Hartley, and

Fort Dodge, Iowa, and Fremont and Schuyler, Nebr., to points in Massachusetts, New Jersey, New York, and to points on the International Boundary in Maine, Michigan, New York, and Vermont, 180 days. Supporting shipper: Spencer mont, on traffic destined to Canada, for Foods, Inc., P.O. Box 1228, Spencer, Iowa 51301. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141921 (Sub-No. 1TA), filed March 29, 1976. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, N.H. 03101. Applicant's representative: Kenneth L. Ackerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and pieces thereof and commodities in bulk), from the plantsite and storage facilities of Great Plains Beef Packers Inc., at or near Council Bluffs, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Great Plains Beef Packers, Inc., 2700 23rd Ave., P.O. Box 527, Council Bluffs, Iowa 51501. Send protests to: Ross J. Seymour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 141924 TA, filed March 29, 1976. Applicant: GOLDEN VALLEY TRANSPORTATION, INC., P.O. Box 208, Roberts, Idaho 83444. Applicant's representative: Mark K. Boyle, 345 South State St., Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except tallow, in bulk, destined to California), from the plantsite of Golden Valley Packers, Inc., at or near Roberts, Idaho, to Portland and Clackamas, Oreg.; San Francisco and South San Francisco, Calif.; and points in Los Angeles and Orange Counties, Calif., under a continuing contract with Golden Valley Packers, Inc., for 180 days. Supporting shipper: Golden Valley Packers, Inc., P.O. Box 208, Roberts, Idaho 83444. Send protests to: Barney L. Hardin, District Supervisor, 550 West Fort St., Box 07, Boise, Idaho 83724.

No. MC 141928 (Sub-No. 1TA), filed April 7, 1976. Applicant: KOHLMAN INDUSTRIES, LTD., Box 866, 29170 Fraser Highway, Aldergrove, British Columbia,

Canada. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points on the International Boundary line between the United States and Canada at or near Lynden or Sumas, Wash., on the one hand, and, Strandell, Wash., on the other, restricted to traffic moving to or from Aldergrove and Vancouver, B.C., Canada, under a continuing contract with Can-Am Industries Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Can-Am Industries, Ltd., 1670 W. Eighth Ave., Box 34232, Station D, Vancouver, B.C. Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 141931 (Sub-No. 1TA), filed April 6, 1976. Applicant: ELMER MANUEL BATES AND EARNEST HENRY BATES, doing business as BATES BROS. TRUCKING COMPANY, 415 McClendon Road, Hot Springs, Ark. 71901. Applicant's representative: Thomas B. Staley, 1550 Tower Bldg., Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, sawdust, and wood shavings*, from points in Garland County Ark., to points in McCurtain and Choctaw Counties, Okla., Bowie County, Tex., and Bossier, Webster, Claiborne, Union, and Morehouse Parishes, La., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B. G. Wilson Lumber Company, Inc., Route 6, Box 515, Hot Springs, Ark. 71901. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

PASSENGER APPLICATION

No. MC 141922 TA, filed April 5, 1976. Applicant: A. B. MINI BUS TOURS INC., Taft Hotel, Seventh Ave. at 50th St., New York, N.Y. Applicant's representative: Bruce J. Robbins, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, in round-trip sightseeing and pleasure tours, with bi-lingual tour guide, limited to the transportation of no more than 14 passengers in any one vehicle, not including children under 10 years of age who do not occupy a seat or seats, beginning and ending at New York, N.Y., and extending to Boston, Mass., Philadelphia, Pa., Niagara Falls, N.Y., and Washington, D.C., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Allied Tours, 165 West 46th St., New York, N.Y. Stallen Hilton Hotel, Josephine Fiorenzo, Travel Desk, 7th Ave., and 33rd St., New

York, N.Y. Commodore Hotel, Anthony T. Perilli, 109 E. 42nd St., New York, N.Y. Samfram, Ltd., Hotel, Taft, 7th Ave., and 50th St., New York, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-11383 Filed 4-19-76; 8:45 am]

[Notice No. 48]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 14, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR § 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2900 (Sub-No. 287TA), filed April 2, 1976. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32309. Applicant's representative: S. E. Sommers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from the plantsite and storage facilities of Ore-Ida Foods, Inc., Greenville, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Ohio,

Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ore-Ida Foods, Inc., P.O. Box 10, Boise, Idaho 83707. Send protests to: G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 15975 (Sub-No. 10TA), filed April 2, 1976. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements, farm machinery, and equipment*, from Litchfield, Ill., to points in the United States (except Alaska and Hawaii), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: James D. Owens, Vice-President, Wikomi Manufacturing Company, P.O. Box 100, Litchfield, Ill. 62056. Send protests to: Harold C. Joliff, District Supervisor, Interstate Commerce Commission, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 21966 (Sub-No. 3TA), filed April 1, 1976. Applicant: GLENN W. STOWELL, 281 Leverett Road, RFD 3, Amherst, Mass. 01002. Applicant's representative: David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, forest products*, between points in Hampshire and Franklin Counties, Mass., on the one hand, and, on the other, points in Hillsboro County, N.H., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: W. D. Cows, Inc., 134 Montague Road, Northam Amherst, Mass. 01059. Richard J. James & William, Kr. Kicza, d/b/a Kicza Lumber Company, 303 Russell St., Hadley, Mass. 01035. Send protests to: J. D. Perry, Jr., District Supervisor, 436 Dwight St., Room 338, Springfield, Mass. 01103.

No. MC 19201 (Sub-No. 124TA), filed April 7, 1976. Applicant: PENNSYLVANIA TRUCK LINES, INC., 49th St., and Parkside Ave., Philadelphia, Pa. 19131. Applicant's representative: Robert H. Griswold, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission and motor vehicles when transported in special equipment), between Bay City and Saginaw, Mich., on the one hand, and, on the other, Detroit, Mich., restricted to traffic having a prior or subsequent

movement in rail service of Consolidated Rail Corporation. Applicant intends to interline at Detroit, Mich., with Consolidated Rail Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Valley Mfg. & Sales Co., 333 Morton St., Bay City, Mich. 48706. Baker Perkins, Inc., 1000 Hess St., Saginaw, Mich. 48601. Dow Chemical Company, 690 Bldg., Midland, Mich. 48640. Send protests to: Monica A. Blodgett, Transportation Assistant, Interstate Commerce Commission, 600 Arch St., Room 3238, Philadelphia, Pa. 19106.

No. MC 30605 (Sub-No. 160TA), filed April 6, 1976. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, 433 E. Waterman, Wichita, Kans. 67201. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brass, bronze, or copper wire and cable, and material, equipment, and supplies, used in the manufacture and distribution thereof*, between the plantsite of Essex International, Inc., at or near Hoisington, Kans., on the one hand, and, on the other, points in Arkansas, Arizona, California, Colorado, Illinois, Missouri, Nebraska, New Mexico, Oklahoma, and Texas, for 180 days. Supporting shipper: Essex International, Inc., 1601 Wall St., Fort Wayne, Ind. 46804. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 53965 (Sub-No. 115TA), filed April 5, 1976. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Copper wire and cable* (except those which because of size or weight require special handling or the use of special equipment), from Hoisington, Kans., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and (2) *Material, equipment and supplies* used in the manufacture and sale of copper wire and cable (except those which because of size or weight require special handling or the use of special equipment and commodities in bulk), from destinations named in (1) above to Hoisington, Kans., for 180 days. Supporting shipper: Essex International, Inc., 1601 Wall St., Fort Wayne, Ind. 46804. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Bldg., Topeka, Kans. 66603.

No. MC 110420 (Sub-No. 718TA), filed April 7, 1976. Applicant: QUALITY

CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Joseph K. Reber (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from Superior, Wis., to points in Minnesota and Michigan, for 180 days. Supporting shipper: Murphy Oil Corporation, P.O. Box 2066, Superior, Wis. 54880. Send protests to: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 634TA), filed April 7, 1976. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, N.Y. 11040. Applicant's representative: Elizabeth L. Henoch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and dried cut flowers, decorative greens, and floral supplies*, when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between Rockford, Ill., on the one hand, and, on the other, points in Wisconsin, for 180 days. Supporting shipper: Bill Doran Company, 619 West Jefferson, Rockford, Ill. Send protests to: Anthony D. Giaino, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 117765 (Sub-No. 200TA), filed April 5, 1976. Applicant: HAHN TRUCK LINE, INC., 3515 NW 5th St., Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from San Antonio, Tex., to points in Missouri, for 180 days. Supporting shipper: Lone Star Brewing Company, P.O. Box 2060, San Antonio, Tex. 78297. Send protests to: Joe Green, District Supervisor, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 NW 3rd St., Oklahoma City, Okla. 73102.

No. MC 129480 (Sub-No. 22TA), filed April 5, 1976. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550 71st Ave. SE., Calgary, Alberta, Canada T2H 0S6. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphur*, in bags, from the ports of entry located on the International Boundary line between Canada and the United States in Idaho, Minnesota, Montana, North Dakota, and Washington, to points in California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming, restricted to transportation of shipments originating at the plant-site facilities operated by Agri-Sul Canada Ltd., located 15 miles west of

Didsbury, Alberta, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. T. Walsh, Agri-Sul Canada, Ltd., P.O. Box 3657, Station "B", Calgary, Alberta, Canada T2M 4N4. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 138253 (Sub-No. 3TA), filed April 1, 1976. Applicant: MONFORT TRANSPORTATION COMPANY, P.O. Box G, Greeley, Colo. 80631. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and commodities as are usually dealt in or used by restaurants and restaurant supply houses, from Fort Morgan, Colo., to points in the United States (except Alaska and Hawaii). Restrictions: (1) to traffic originating at the facilities utilized by Monfort International Sales Corporation; and (2) to transportation under a continuing contract or contracts with Monfort of Colorado, Inc., Monfort Food Distributing Company, and Monfort International Sales Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shippers: (1) Monfort of Colorado, Inc., Box 1407, Greeley, Colo. 80631. (2) Monfort Food Distributing Company, Box 1407, Greeley, Colo. 80631. and (3) Monfort International Sales Corporation, Box 1407, Greeley, Colo. 80631. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, Colo. 80202.

No. MC 139084 (Sub-No. 10TA), filed April 7, 1976. Applicant: BIG VALLEY SUPPLY & ENTERPRISES, LTD., 8516 40th St. SE., Calgary, Alberta, Canada. Applicant's representative: David R. Parker, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed sulphur* in bags, from ports of entry on the International Boundary line between the United States and Canada located in Montana and North Dakota, to points in Minnesota, Michigan, North Dakota, Iowa, Wisconsin, Illinois, Indiana, Missouri, Nebraska, Ohio, Kentucky and Kansas, restricted to traffic originating at production plant, which is approximately 15 miles west of Didsbury, Alberta, Canada; and from storage and distribution setup, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: G. T. Walsh, General Manager, Agri-Sul Canada, Ltd.,

P.O. Box 3756, Station "B", Calgary, Alberta, Canada T2M 4N4. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North Billings, Mont. 59101.

No. MC 141379 (Sub-No. 2TA), filed March 25, 1976. Applicant: CALVIN C. HARTSFIELD, doing business as SOUTHSIDE AUTO PARTS & SALVAGE and doing business as SOUTHSIDE AUTO SALES, Highway 25 South, Box 161, Route 1, Malden, Mo. 63863. Applicant's representative: Joseph E. Rehman, Suite 1230, Boatman's Bank Bldg., 314 N. Broadway, St. Louis, Mo. 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, and used automobiles*; (1) from Russellville and Little Rock, Ark., to Rockford, Ill.; (2) from points in Wayne County, Mich., and in Cook and Will Counties, Ill., to points in Ramsey and Washington Counties, Minn.; Adams and Sangamon Counties, Ill.; Howell County, Mo., and Caraway, Ark.; and (3) between points in Cook and Will Counties, Ill., on the one hand, and, on the other, points in Davidson County, Tenn., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 141851 (Sub-No. 1TA), filed April 5, 1976. Applicant: C. C. CALDWELL TRUCKING, INC., ROUTE #1, Northrup, Ohio 45644. Applicant's representative: John L. Alden, 1396 West Fifth Ave., Columbus, Ohio 43212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed, seed, fertilizer, and feed and fertilizer ingredients, and grain* when moving with non-exempt commodities; (1) from Decatur and Joliet, Ill., Decatur, Indianapolis and Portland, Ind., Midland, Mich., and Mount Airy, N.C., to the facilities of Central Soya of Ohio, Inc., at or near Gallipolis, Ohio; and (2) from Gallipolis, Ohio, to Charleston, Huntington, and Parkersburg, W. Va., for 180 days. Supporting shipper: Central Soya of Ohio, Inc., P.O. Drawer 785, Third & Sycamore St., Gallipolis, Ohio 45631. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 141909 (Sub-No. 1TA), filed April 5, 1976. Applicant: GLENN W. COLLUMS, Route #1, Box 164 E, Dexter, N. Mex. 88230. Applicant's representative: Daniel F. Rogers, 1820 Paseo De La Conquistadora, Santa Fe, N. Mex. 78501. Authority sought to operate as a *con-*

tract carrier, by motor vehicle, over irregular routes, transporting: *Articles*, from meat packing houses (except hides and commodities in bulk); *including meat, meat products, meat by-products, such as hanging fresh beef quarters; prepared lunch meats, sausage, bacon; cured hams; cut up pork and beef in boxes, between Tucson, Ariz., and Roswell, N. Mex., and between Roswell, N. Mex., and Texas points south of Interstate Highway 40 to the Texas-Oklahoma line (including points on Interstate Highway 40); thence, from the Texas-Oklahoma state line west of Interstate Highway 35 to Dallas, Tex. (including points on Interstate Highway 35) and thence west of U.S. Highway 77 from Dallas, Tex., to the International Boundary of the United States and Mexico; under a continuing contract with Glover Packing Company, for 180 days. Supporting shipper: Glover Packing Company, 1000 North Garden St., Roswell, N. Mex. 88201. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Bldg., 517 Gold Ave. SW., Albuquerque, N. Mex. 87101.*

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11382 Filed 4-19-76;8:45 am]

[AB 6 (Sub-No. 35)]

BURLINGTON NORTHERN, INC.

Abandonment Between Blanchard and Mayville in Traill County, North Dakota

APRIL 15, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Traill County, N. Dak., on or before April 29, 1976 and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publica-

tion in the Federal Register as notice to interested persons.

Dated at Washington, D.C., this 8th day of April 1976.

By the Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

31-10-58-20 1348

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN BLANCHARD AND MAYVILLE IN TRAILL COUNTY, NORTH DAKOTA

The Interstate Commerce Commission hereby gives notice that by order dated April 8, 1976, it has been determined that the proposed abandonment of the Burlington Northern, Inc. line between Blanchard and Mayville, a distance of 10.08 miles, all in Traill County, N. Dak., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because the line has been inactive since overhead traffic was rerouted over Burlington Northern's parallel Fargo to Grand Forks line via Hillsboro. Furthermore, there are no stations or industries located along the 10 mile segment proposed for abandonment. Consequently, there will be no diversion of freight traffic to motor carrier transportation and concomitant environmental impacts. Furthermore, there are no existing land use or development plans dependent upon service over the subject branch line. Accordingly, the only alteration in the local environment will result from the salvage operations; however, these effects are expected to be short term and insignificant.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C., 20423, on or before May 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted to the Commission by the above-specified date.

[FR Doc.76-11384 Filed 4-19-76;8:45 am]

[AB 3 (Sub-No. 12)]

MISSOURI PACIFIC RAILROAD CO.

Abandonment at Edinburg, Texas, and Over the McAllen Branch Between Edinburg and McAllen, in Hidalgo County, Texas

APRIL 15, 1976.

Present: Virginia Mae Brown, Commissioner, to whom the matter which is the subject of this order has been assigned for action thereon.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available to the public upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Hidalgo County, Texas, on or before April 29, 1976, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this finding shall be given to the general public by depositing a copy of this order and the attached notice in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy of the notice to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

Dated at Washington, D.C., this 8th day of April, 1976.

By this Commission, Commissioner Brown.

[SEAL] ROBERT L. OSWALD,
Secretary.

MISSOURI PACIFIC RAILROAD COMPANY ABANDONMENT AT EDINBURG, TEXAS, AND OVER THE McALLEN BRANCH BETWEEN EDINBURG AND McALLEN, IN HIDALGO COUNTY, TEXAS

The Interstate Commerce Commission hereby gives notice that by order dated April 8, 1976, it has been determined that the proposed abandonment of the Missouri Pacific Railroad Company of its 1.91 mile line in Edinburg, Tex., along with its trackage rights over the 10.13 mile McAllen Branch line of the Southern Pacific Transportation Company between Edinburg and McAllen, for a total distance of 12.09 miles, all in Hidalgo County, Tex., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that due to low traffic volumes, the expected conveyance of considerable trackage in the city of Edinburg to the Southern Pacific Transportation Company, and continued operation by Southern Pacific over the McAllen Branch, significant alterations in the local ecology, fuel consumption, and public safety would not be anticipated as a result of the proposed abandonment. There are no historical or archaeological sites to be affected by the abandonment, and there are no definitive regional or local plans with which the abandonment would conflict. Interest in the purchase of a portion of the right-of-way for public recreational use has been expressed by the city of Edinburg.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available on request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-275-7692.

Interested persons may comment on this matter by filing their statements in writing with the Interstate Commerce Commission, Washington, D.C. 20423, on or before May 14, 1976.

This negative environmental determination shall become final unless good and sufficient reason demonstrating why an environmental impact statement should be prepared for this action is submitted by the above-specified date.

[FR Doc.76-11385 Filed 4-19-76;8:45 am]

[No. MC-C-8994]

GLENGARRY TRANSPORT LIMITED

Petition for Declaratory Order-International Bridge-Exemption

APRIL 9, 1976.

Petitioner: Glengarry Transport Limited (Alexandria, Ontario, Canada).

Petitioner's representatives: Edward G. Villalon, James E. Wilson, of Wilson, Woods, Villalon & Hollengreen, 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington D.C. 20004.

By petition filed March 10, 1976, Glengarry Transport, Limited, of Alexandria, Ontario, Canada, seeks an order, pursuant to section 544(e) of the Administrative Procedure Act, determining that no operating authority under part II of the Interstate Commerce Act is required to conduct common carrier operations between the International Boundary line between the United States and Canada located on the International Bridge between Cornwall, Ontario, Canada, and Massena (Roosevelt), N.Y., on the one hand, and, on the other, the United States Customs Compound located at Massena (Roosevelt), N.Y.

Petitioner is a Canadian-domiciled carrier which holds appropriate authority from the Ontario Highway Transport Board to transport commodities between described areas in Canada, on the one hand, and, on the other, the International Boundary line between the United States and Canada located at Cornwall. Petitioner holds no authority issued by the Interstate Commerce Commission.

Petitioner desires to transport commodities from Canada under its existing Canadian authority to the International Boundary line, thence across the said boundary to the U.S. Customs Compound. At that point it proposes to physically interchange traffic with United States carriers for movement of the lading to points in the United States. In the reverse direction, it proposes to accept freight from U.S. carriers at the customs area for transportation to its authorized Canadian service points, again traversing the one-half mile distance between the customs compound and the International Boundary line. Petitioner states that shipments to be

interchanged between itself and U.S. carriers would move on through bills of lading.

The International Boundary line is located on the southern span of the Seaway International Bridge which extends over the St. Lawrence River between Cornwall and Massena. The United States Customs Compound is located one-half mile from the International Boundary line. It is the position of petitioner that the section of bridge and roadway from the International Boundary line to the customs area is neither a "public highway" nor "within any reservation under the exclusive jurisdiction of the United States," within the meaning of section 206(a)(1) of the Interstate Commerce Act which provides:

"Except as otherwise provided in this section and in section 210a, no common carrier by motor vehicle subject to the provisions of this part shall engage in any interstate or foreign operation on any public highway, or within any reservation under the exclusive jurisdiction of the United States, unless there is in force with respect for such carrier a certificate of public convenience and necessity issued by the Commission authorizing such operations. * * *

In support of its contentions petitioner has submitted evidence showing that the St. Lawrence Seaway Development Corporation, a wholly-owned United States Government corporation, and the St. Lawrence Seaway Authority of Canada are responsible for the construction, maintenance, operation, and development of the St. Lawrence Seaway. Incidental to the navigational improvements to the seaway itself, the United States and Canadian seaway entities have formed the Seaway International Bridge Corporation, Ltd., a Crown Corporation under the laws of Canada, to operate and maintain, operation, and develop the river between Cornwall and Massena, and that it is the Seaway International Bridge Corporation, Ltd., which has complete authority for operation, maintenance, and regulation of the north and south spans of the bridge and the interconnecting roadways and facilities over the St. Lawrence River between Cornwall and the U.S. Customs Compound. Petitioner asserts that the bridge and highway facilities are not operated or maintained by the State of New York and, therefore, the one-half mile distance between the International Boundary line and the United States Customs Compound is neither a "public highway" nor "within any reservation under the exclusive jurisdiction of the United States," and that consequently no operating authority from the Interstate Commerce Commission is required.

Petitioner seeks to distinguish the facts herein from those in *Consolidated T. Lines v. Fess and Whittmeyer Trucking Co.*, 83 M.C.C. 673 (1960) in which defendants took the position that authority was not required because the service involved foreign commerce between contiguous municipalities and was partially exempt under section 203(b)(8) of the Act. In the alternative petitioner sug-

gests reconsideration of the policy expressed in the *Fess* case, *supra.*, and a return to what petitioner alleges was the informal view of this Commission prior to 1955, that operations between a foreign country and the customs compounds in this country were too insubstantial to warrant regulation. Petitioner maintains that a negative response to the request herein would require petitioner and other carriers similarly situated to undergo a lengthy and expensive procedure in order to conduct a limited operation.

No oral hearing is contemplated at this time, but any person (including petitioner) interested in making representations in favor of, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. Likewise, any person desiring to comment upon the environmental issues raised by the petition is hereby invited to do so by the submission of written data, views, or arguments. An original and fifteen (15) copies of such data, views, or arguments shall be filed with the Commission on or before June 7, 1976. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours. Notice to the general public of the matters herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.76 11386 Filed 4-19-76;8:45 am]

[Notice No. 230]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 20, 1976.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 C.F.R. Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 10, 1976. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon

NOTICES

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by petitioners must be specified in their petitions with particularity.

No. MC-FC-76442, by order of April 15, 1976, the Motor Carrier Board approved the transfer to Crown Transfer & Storage, A Co-Partnership, Doing Business As Crown Transfer & Storage, Rosemead, California, of Certificates No.

MC-17049 and MC-17049 (Sub-No. 1) issued August 13, 1958, to Crown Transfer & Storage, A Corporation, Doing Business As Crown Transfer & Storage Co., Pasadena, California, authorizing the transportation of household goods, clothing, display racks, phonograph records, heel plates, and pottery, from, to or between specified points in California.

Richard T. Christmas III, 3154 N. Rosemead Blvd., P.O. Box 739, Rosemead, California 91770. Representative for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-11387 Filed 4-19-76;8:45 am]

federal register

TUESDAY, APRIL 20, 1976



PART II:

DEPARTMENT OF LABOR

**Labor-Management Services
Administration**

■

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ALASKA TEAMSTERS-EMPLOYER PENSION TRUST

Exemption from Prohibition

DEPARTMENT OF LABOR

Labor-Management Services Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Prohibited Transaction Exemption 76-2]

EMPLOYEE BENEFIT PLANS

Exemption From Prohibitions Respecting Certain Transactions Involving the Alaska Teamsters-Employer Pension Trust

Notice is hereby given of the granting of an exemption under the authority of section 408(a) of the Employee Retirement Income Security Act of 1974 (the Act) and section 4975(c)(2) of the Internal Revenue Code of 1954 (the Code), relating to certain transactions described below involving the acquisition of property by the Alaska Teamsters-Employer Pension Trust (the Plan) from certain disqualified persons and parties in interest and the construction of a building for the Plan by certain disqualified persons and parties in interest.

Background and Summary of Representations: On December 19, 1975, notice was published in the FEDERAL REGISTER (40 FR 58964) of a request for an exemption for certain classes of transactions described in an application (originally filed as an application for an individual exemption, but subsequently amended to an application for a class exemption) submitted by the Plan. The notice invited interested persons to submit comments on the requested exemptions to the Department of Labor (the Department) and the Internal Revenue Service (the Service). Additionally, the notice stated that any interested person might submit a written request that a hearing be held relating to the exemption for the acquisition of unimproved property.

Comments on the requested class exemptions and a request for a hearing, which was subsequently withdrawn, were received by the Department and the Service. The comments stated that the class exemptions, as requested, contained many conditions inappropriate for classes of transactions covered by the exemptions. No negative comments were received, however, with respect to the requested exemptions as they applied to the specific transactions proposed to be entered into by the Plan. The application and documents submitted by the Plan in support of the requested class exemptions have been available for public inspection at the Internal Revenue Service and the Department of Labor in Washington, D.C.

Based on the comments received, the Department and the Service have decided not to grant the requested class exemptions, but to grant instead an individual exemption with respect to the specific transactions described in the application submitted by the Plan. The Department and the Service are, however, prepared to consider applications for class exemptions relating to the classes of transactions covered by the Decem-

ber 19, 1975, notice in the FEDERAL REGISTER.

The following is a summary of the representations contained in the application with regard to the specific transactions referred to above:

1. As of November 14, 1975, the Plan had approximately 13,800 beneficiaries and current assets exceeding \$64,000,000 with current monthly contributions exceeding \$4,000,000.

2. The Plan currently has adequate space for its operations in Anchorage, Alaska, but does not have adequate space for its present and projected operations in the Fairbanks area. The Plan was created for beneficiaries who are members of the International Brotherhood of Teamsters, Warehousemen and Helpers of America Local 959 (the Union). The Union's jurisdiction is the entire State of Alaska. The Fairbanks area is the second largest "beneficiary" area in the State. The Fairbanks area has received and is receiving the greatest impact from the influx of Plan members in relation to the construction of the Trans-Alaska pipeline. This area is the staging point for a major percentage of pipeline related activities. As a result, there is an immediate demand for processing eligibility requests and for other services provided under the Plan.

3. Plan beneficiaries currently find it necessary to take off several days from their employment and travel over 600 miles round-trip to transact their business at the Plan's offices in Anchorage. This operation is inconvenient, costly and inefficient for the Plan and its beneficiaries.

4. The Plan Trustees have determined that it would be in the best interests of the Plan to secure office space in the Fairbanks area and thereby eliminate the inconvenience, cost and inefficiency of requiring participants to travel over 600 miles to transact business with the Plan. The Plan Trustees, however, have been unable to secure existing office space in the Fairbanks area at a price that they deem to be reasonable. They have determined, therefore, that it would be in the Plan's best interest to construct an office building in Fairbanks to house its operations and to rent space in said building, surplus to the Plan's needs, to tenants. The Trustees have determined that this procedure would be beneficial to the Plan and its beneficiaries by providing needed office space for the Plan while at the same time enabling the Plan to acquire an excellent, conservative and high yielding real estate investment for the Plan's portfolio. Accordingly, the Plan has diligently sought to purchase land suitable as to area, location, terrain and price in the Fairbanks area, and has not found such land owned by unrelated parties for less than \$40,000 per acre.

5. In June 1964, the members of the Union formed a non-profit membership corporation under the laws of the State of Alaska. The Union members contribute to a fund from which the corporation (Alaska Teamsters Local No. 959 Building Corporation), among other

things, invests in real property for occupancy by the Union and for rental income from unrelated parties. Pursuant to a contract entered into in December 1974, the corporation acquired title on April 23, 1975, to 3 parcels of real property in Fairbanks, Alaska for \$434,465.00 from a joint venture consisting of two corporations, Lundgren International, Inc. and A & G Construction Company, Inc. A & G Construction Company, Inc. is a party in interest and disqualified person with respect to the Plan solely by reason of being an employer of employees covered by the Plan. These three parcels total 47.5 acres, of which approximately 19.5 acres consist of an excavated gravel pit which is totally unusable for a building site. Cost and unavailability of fill material renders refilling of this pit uneconomic and infeasible. The remaining acreage, which is suitable for construction, is hereafter referred to as "usable" acreage.

6. On June 10, 1975, two appraisals were made as to the value of these parcels by appraisers who received at least 90 percent of their compensation during each of the three 12 month periods immediately preceding the appraisal from sources other than the Plan. One appraisal placed the value of the three parcels at \$991,000 and the other at \$940,000.

7. The Trustees have determined that one of these parcels, which consists of 9.943 acres, of which approximately 8 acres are buildable and the balance is a water filled former gravel pit, is eminently suitable for the building purposes of the Plan as to area, location and terrain. This parcel is identifiable by the following description:

Commencing at the North 1/16 corner common to section 23 and 24, T1S, R1W, Fairbanks Meridian, Alaska, a 6 inch diameter concrete monument with 2 1/2 inch bronze disc, thence N89°58'07" W 1,712.01' along the North 1/16 line of said Section 23 to a point which is the Point of Beginning; thence N89°58'07" W 505.10' to a point; thence N8°10'48" E 902.02' to a point on the northerly boundary of the Oil Richardson Highway, thence S81°49'12" E 500.0' along said northerly boundary to a point; thence S8°10' 48" W 830.43' to the Point of Beginning.

8. The Trustees intend to purchase this parcel from the Alaska Teamsters Local No. 959 Building Corporation on behalf of the Plan for \$124,000. This price constitutes an amount equaling the total number of usable acres in the parcel times the average price per usable acre which the corporation paid for the 3 parcels on April 23, 1975. The Trustees believe this price is below the current market value of the property. Additionally, no commissions or other special remuneration will be paid in connection with the acquisition of the parcel by the Plan.

9. It is also the Plan's intention to contract with the Ken Brady Construction Company, Inc. (Ken Brady), a general contractor, to construct the building. The contract, which is currently under negotiation, would provide for actual cost for

labor and materials plus approximately 5.5 per cent profit and 2.5 per cent overhead. The Plan trustees and administrator have concluded based upon estimates and bids submitted that the contract with Ken Brady would assure the Plan of the most favorable contract that could be obtained and at the lowest contract price. The contract would also provide that if the final cost of construction of the building exceeds \$82.50 per foot all profit and overhead on the excess is to be deleted. Ken Brady is a party in interest and a disqualified person with respect to the plan by virtue of section 3(14)(C) of the Act and section 4975(e)(2)(C) of the Code because its employees are participants in the Plan. However, these employees constitute less than 1 percent of the total plan participants. Additionally, no director, officer, or five percent or more shareholder of Ken Brady, or member of the family of any director, officer, or 5 percent or more shareholder of Ken Brady, are persons who have the power to exercise or who have exercised a controlling influence over the management or policies of the Plan. Further, there are no non-union contractors in Alaska of a size to handle this construction project and a non-union contract would be contrary to the philosophy of the Plan.

10. Upon completion of the building, at least 25 percent of the usable space therein will be used by the Plan for the purpose of carrying on its ordinary and necessary operations on an efficient and economical basis. Further, at least 80 percent of the parcel of land purchased from the Alaska Teamsters Local No. 959 Building Corporation will be used for purposes substantially related to the building structure.

11. As of December 23, 1975, notice to interested persons, as required by section 408(a) of the Act and section 4975(c)(2) of the Code, was posted in all meeting rooms, dispatch and hiring halls, and offices of the Union. The notice contained a description of the specific transactions proposed to be entered into by the Plan as well as a copy of the notice of requested class exemptions published in the FEDERAL REGISTER for December 9, 1975.

General Information: (1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) The portion of the exemption contained herein with respect to the acquisition of real property does not extend to transactions prohibited under section 406(b)(1) and (3) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(3) The portion of the exemption contained herein with respect to the construction of the building structure does not extend to transactions prohibited under section 406(b) of the Act and section 4975(c)(1)(E) and (F) of the Code.

(4) The exemption contained herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is the subject of an exemption is not dispositive of whether the transaction would have been a prohibited transaction in the absence of such exemption or, though it would have been a prohibited transaction, is exempt by operation of a statutory or administrative exemption or a transitional rule.

Exemption: Pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in

ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75-26, 1975-1, C.B. 722, and based upon the facts and representations contained in the application for exemption submitted by the Plan and the comments received with respect to the requested class exemptions published in the FEDERAL REGISTER for December 19, 1975, the Department and the Service find that it is administratively feasible, in the interests of the Plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the Plan, to grant exemptions, effective January 1, 1975, so that:

I. The restrictions of section 406(a)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the acquisition by the Plan for the total price of \$124,000 of the real property described above pursuant to the terms, conditions and representations set forth in the application.

II. The restrictions of section 406(a)(1) of the Act and the taxes imposed by section 4975(a) and (b) of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the construction by the Ken Brady Construction Company, Inc. of an office building on the above-described property pursuant to the terms, conditions and representations set forth in the application.

The availability of these exemptions is subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application will accurately describe all material terms of the transactions when consummated.

Signed at Washington, D.C., this 15th day of April 1976.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

JAMES D. HUTCHINSON,
Administrator of Pension and
Welfare Benefit Programs,
U.S. Department of Labor.

[FR Doc.76-11450 Filed 4-19-76; 8:45 am]

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(Revised as of April 1, 1976)

<u>Quantity</u>	<u>Volume</u>	<u>Stock Number</u>	<u>Price</u>	<u>Amount</u>
_____	Title 20—Employees' Benefits (Parts 01-399)	022-003-93194-5	\$2.45	\$_____
_____	Title 21—Food and Drugs (Parts 200-299)	022-003-93198-8	2.10	_____
_____	Title 21—Food and Drugs (Part 1300-End)	022-003-93202-0	1.90	_____
_____	Title 26—Internal Rev. Part 1 (§§ 1.170-1.300)	022-003-93209-7	3.90	_____
_____	Title 26—Internal Rev. (Part 600-End)	022-003-93221-6	2.20	_____
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